

**PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

Name PALACIOS EDWARD  
(Last) (First) (Initial)

Prisoner Number D-27035

Institutional Address Correctional Training Facility  
P.O. Box 689, Soledad, Ca 93960

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**EDWARD PALACIOS,**

(Enter the full name of plaintiff in this action.)

vs.

**ARNOLD SCHWARZENEGGER, Governor**

**of California,**

XXXXXXXXXX

(Enter the full name of respondent(s) or jailor in this action)

**CV 08 2000**

Case No. \_\_\_\_\_  
(To be provided by the clerk of court)

**PETITION FOR A WRIT  
OF HABEAS CORPUS**

**E-filing**

**FILED**

**APR 17 2008**

**RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**(PR)**

**Read Comments Carefully Before Filling In**

**When and Where to File**

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

*008-2007 VRW*

1 Who to Name as Respondent

2 You must name the person in whose actual custody you are. This usually means the Warden or  
 3 jailor. Do not name the State of California, a city, a county or the superior court of the county in which  
 4 you are imprisoned or by whom you were convicted and sentenced. These are not proper  
 5 respondents.

6 If you are not presently in custody pursuant to the state judgment against which you seek relief  
 7 but may be subject to such custody in the future (e.g., detainees), you must name the person in whose  
 8 custody you are now and the Attorney General of the state in which the judgment you seek to attack  
 9 was entered.

10 A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

11 1. What sentence are you challenging in this petition?

12 (a) Name and location of court that imposed sentence (for example; Alameda  
 13 County Superior Court, Oakland):

14 Los Angeles County Superior Court Los Angeles

15 Court

Location

16 (b) Case number, if known A-772 728

17 (c) Date and terms of sentence 3/21/1986 - 15 years to life

18 (d) Are you now in custody serving this term? (Custody means being in jail, on  
 19 parole or probation, etc.) Yes XX No       

20 Where?

21 Name of Institution: Correctional Training Facility

22 Address: P.O. Box 689, Soledad, Ca 93960

23 2. For what crime were you given this sentence? (If your petition challenges a sentence for  
 24 more than one crime, list each crime separately using Penal Code numbers if known. If you are  
 25 challenging more than one sentence, you should file a different petition for each sentence.)

26 Second degree murder, Penal Code § 187

3. Did you have any of the following?

Arraignment: Yes \_\_\_\_\_ No \_\_\_\_\_

Preliminary Hearing: Yes \_\_\_\_\_ No \_\_\_\_\_

Motion to Suppress: Yes \_\_\_\_\_ No \_\_\_\_\_

4. How did you plead?

Guilty \_\_\_\_\_ Not Guilty \_\_\_\_\_ Nolo Contendere \_\_\_\_\_

Any other plea (specify) \_\_\_\_\_

5. If you went to trial, what kind of trial did you have?

Jury \_\_\_\_\_ Judge alone \_\_\_\_\_ Judge alone on a transcript \_\_\_\_\_

6. Did you testify at your trial? Yes \_\_\_\_\_ No \_\_\_\_\_

7. Did you have an attorney at the following proceedings:

(a) Arraignment Yes \_\_\_\_\_ No \_\_\_\_\_

(b) Preliminary hearing Yes \_\_\_\_\_ No \_\_\_\_\_

(c) Time of plea Yes \_\_\_\_\_ No \_\_\_\_\_

(d) Trial Yes \_\_\_\_\_ No \_\_\_\_\_

(e) Sentencing Yes \_\_\_\_\_ No \_\_\_\_\_

(f) Appeal Yes \_\_\_\_\_ No \_\_\_\_\_

(g) Other post-conviction proceeding Yes \_\_\_\_\_ No \_\_\_\_\_

8. Did you appeal your conviction? Yes \_\_\_\_\_ No \_\_\_\_\_

(a) If you did, to what court(s) did you appeal?

Court of Appeal Yes \_\_\_\_\_ No \_\_\_\_\_

Year: \_\_\_\_\_ Result: \_\_\_\_\_

Supreme Court of California Yes \_\_\_\_\_ No \_\_\_\_\_

Year: \_\_\_\_\_ Result: \_\_\_\_\_

Any other court Yes \_\_\_\_\_ No \_\_\_\_\_

Year: \_\_\_\_\_ Result: \_\_\_\_\_

(b) If you appealed, were the grounds the same as those that you are raising in this

petition? Yes \_\_\_\_\_ No \_\_\_\_\_

(c) Was there an opinion? Yes \_\_\_\_\_ No \_\_\_\_\_

(d) Did you seek permission to file a late appeal under Rule 31(a)?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If you did, give the name of the court and the result:

9. Other than appeals, have you previously filed any petitions, applications or motions with respect to this conviction in any court, state or federal? Yes XX No \_\_\_\_\_

[Note: If you previously filed a petition for a writ of habeas corpus in federal court that challenged the same conviction you are challenging now and if that petition was denied or dismissed with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit for an order authorizing the district court to consider this petition. You may not file a second or subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28 U.S.C. §§ 2244(b).]

(a) If you sought relief in any proceeding other than an appeal, answer the following questions for each proceeding. Attach extra paper if you need more space.

I. Name of Court: Los Angeles County Superior Court

Type of Proceeding: habeas corpus

Grounds raised (Be brief but specific):

a. SAME AS RAISED HEREIN

b. \_\_\_\_\_

c. \_\_\_\_\_

d. \_\_\_\_\_

Result: Denied Date of Result: 6/22/2007

II. Name of Court: Calif. App. Ct., Second App. Dist.

Type of Proceeding: habeas corpus

Grounds raised (Be brief but specific):

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a. SAME AS RAISED HEREIN  
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d. \_\_\_\_\_  
Result: Denied Date of Result: 9/13/2007

III. Name of Court: California Supreme Court  
Type of Proceeding: Habeas Corpus  
Grounds raised (Be brief but specific):  
a. SAME AS RAISED HEREIN  
b. \_\_\_\_\_  
c. \_\_\_\_\_  
d. \_\_\_\_\_  
Result: Denied Date of Result: 3/19/2008

IV. Name of Court: \_\_\_\_\_  
Type of Proceeding: \_\_\_\_\_  
Grounds raised (Be brief but specific):  
a. \_\_\_\_\_  
b. \_\_\_\_\_  
c. \_\_\_\_\_  
d. \_\_\_\_\_  
Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

(b) Is any petition, appeal or other post-conviction proceeding now pending in any court?  
Yes \_\_\_\_\_ No \_\_\_\_\_

Name and location of court: \_\_\_\_\_

B. GROUNDS FOR RELIEF

State briefly every reason that you believe you are being confined unlawfully. Give facts to support each claim. For example, what legal right or privilege were you denied? What happened? Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

need more space. Answer the same questions for each claim.

Claim I

IT WAS A VIOLATION OF PETITIONER'S RIGHT TO DUE PROCESS GUARANTEED BY THE FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION WHEN THE GOVERNOR REVERSED PETITIONER'S GRANT OF PAROLE SUITABILITY BASED ON THE COMMITMENT OFFENSE OVER TWO DECADES IN THE PAST WHEN THERE IS NO EVIDENCE OR RATIONAL CONNECTION BETWEEN THE COMMITMENT OFFENSE BALANCED AGAINST PETITIONER'S REHABILITATION AND CURRENT THREAT TO PUBLIC SAFETY.

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Supporting facts

On January 6, 1986, the District Attorney of Los Angeles County filed an information against Petitioner charging him with one count of second degree murder (EXHIBIT 1 [Petitioner, "on or about the 2nd day of September 1985, at and in the County of Los Angeles, State of California, did willfully and unlawfully, and with malice aforethought murder EDDY ANGULO, a human being"1]).

On March 21, 1986, Petitioner did enter into a contract with the State of California, through the District Attorney's Office of Los Angeles County, pleading guilty as charged (EXHIBIT 2). As stated by the trial judge, the Honorable Alexander H. Williams, III: "I am satisfied that this case is a case that is a second degree case" (EXHIBIT 2, p. 2:8-9). The prosecution made clear, "the people could not prove beyond a reasonable doubt the elements of premeditation and deliberation necessary for a first degree murder conviction. That a second degree murder conviction and the plea in this matter is appropriate, especially in light of the defendant's background, which...is void of any convictions" (EXHIBIT 2, p. 4:4-10). Any "undetermined enhancement allegations and the balance of the counts, if any" were "dismissed."

Petitioner pled guilty to one count of second degree murder in violation of Penal Code § 187<sup>1/</sup> and sentenced to an indeterminate sentence of 15 years to life pursuant to Penal Code § 190.

A fairly accurate description of the commitment offense is found in Petitioner's Probation Officer's Report (hereafter POR) (EXHIBIT 3, p. 2):

"At approximately 1:40 a.m. on September 2, 1985, while 17-year-old Eddy Angulo was at Lennox Park with his girlfriend and other acquaintances, a truck driven by Edward Palacios approached Angulo. This truck also contained Carlos Soto and 14-year old Robert Sanden as passengers. Someone in the truck asked Mr. Angulo where he was from and once he stated--Lennox, a verbal confrontation developed with the occupants of the truck eventually exiting the vehicle and approaching Mr. Angulo. Robert Sanden used a baseball bat to strike the victim while Carlos Soto also used a baseball bat to strike the victim. Edward Palacios used a knife to stab the victim. After the stabbing, the assailants returned to their vehicle and drove off."

Eddy Angulo died seven days later, on September 9, 1985, "due to a stab wound penetrating the heart and cutting the right coronary artery"; it was determined that the victim "sustained six separate stab wounds to his chest and abdomen" (EXHIBIT 3, pp. 2-3).

On August 3, 2005, two decades after the commitment offense, the Board of Parole Hearings (hereafter Board) after a thorough review of the commitment offense, weighed against time and Petitioner's excellent rehabilitation (EXHIBIT 4, HT 9-64)<sup>2/</sup> found Petitioner suitable for parole (EXHIBIT 4, HT 65-71). In short, the Board based its decision on the following (EXHIBIT 4, HT 66-71):

"The panel has reviewed all of the information received from the public and relied on the information and following circumstances in concluding that the prisoner is suitable for parole and would not pose an unreasonable risk of danger to society or a threat to public safety if released from prison." Petitioner "has no juvenile record of assaulting others...enhanced his ability to function within the law upon release...he's a certified optician, completed graphic arts/offset

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1. All statutes and regulations are California, unless otherwise noted.
  2. References to parole hearing transcript, EXHIBIT 4, will be noted by HT followed by page number, e.g., (HT 1).

printing program...(many self-help groups/programs)...lacks a significant history of violent crime. The only violent crime you committed, sir, was the violent crime you're here for...you have no adult crimes and this was it...maturation, growth, greater understanding and advance age he has reduced his probability of recidivism. Twenty years in custody, no violence...has realistic parole plans, family support and market skills...maintained close family ties while in prison."

Most important relevant to suitability and not posing a current threat to public safety after two decades, being disciplinary free, receiving only one CDC 128 counseling chrono (EXHIBIT 4, HT 69), Petitioner is suitable for parole because (HT 70): "He shows signs of remorse, he has indicated that he understands the nature and magnitude of the offense and accepts responsibility for his criminal behavior and has a desire to change toward good citizenship. I think even though you stated to the Board you have remorse, it is also indicated in your psychiatric reports consistently." And, referring to Petitioner's history of consistent psychological evaluations by the Board's forensic experts (HT 71): "I don't put a lot of weight on psychs unless they're consistent. They have been consistent and positive up until the recent psych they just brought to us. (EXHIBIT 5.) Your personal growth and vocational growth while you've been here is all positive. It's all been in the same direction. There haven't been any skips, there hasn't been any -- You haven't fallen down to have to pick yourself up and start over again. You've got 20 years of positive, continuing growth...."

The Board calculated Petitioner's base term in accord with the legislatively prescribed matrix as a measurement for uniform punishment for similar offenses committed under similar circumstances (California Code of Regulations, Title 15, § 2403(c)) (HT 71-72). Petitioner's offense was placed in category C-III, no prior relationship with the victim and death resulted from severe trauma

inflicted with deadly intensity, multiple stab wounds not resulting in immediate death. Petitioner's base term was set at 240 months, or 20 years (EXHIBIT 6). Petitioner was then accredited 72 months, or 6 years, for his exemplary behavior and rehabilitative gains, bringing his net term to 168 months, or 13 years 8 months, placing Petitioner 6 years 4 months past his legislatively prescribed uniform punishment for his commitment offense.

As indicated, playing a major role in the Board's decision, is the consistency of Petitioner's psychological evaluations, culminating in the evaluation dated June 9, 2005 (EXHIBIT 5). It was Dr. Steward's expert opinion that Petitioner "has excellent insight into his committing offense, and genuinely regrets the death of the victim, who he referred to as 'Eddie.' .... Inmate Palacios has very good judgment and very good impulse control. This truly does not appear to be the same man who was incarcerated 20 years ago" (EXHIBIT 5, pp. 2-3). "If released to the community, inmate Palacios' dangerousness is considered to be average to below average relative to the average citizen (EXHIBIT 5, p. 4). Dr. Steward concludes: "After 20 years of incarceration, this self-motivated, mature, 40-year-old man appears to have a high likelihood of success" (EXHIBIT 5, p. 5).

After passing the Decision Review Unit, the decision that Petitioner is suitable for parole and therefore not a current threat to public safety, on December 19, 2005, Governor Arnold Schwarzenegger reversed the Board's 2005 decision finding Petitioner suitable for parole (EXHIBIT 7). The sole reason the Governor relied on to reverse Petitioner's suitability for parole was the commitment offense.

The Governor describes the murder of Eddie Angulo as stated in the POR, cited above, then finds: "Mr. Palacios committed an especially cruel second-degree murder and this factor alone is enough for me to conclude presently that his release from prison would pose an unreasonable public-safety risk" (EXHIBIT 7, p. 2). The Governor concluded (EXHIBIT 7, p. 2):

"Mr. Palacios has been in prison a long time and has made credible gains over the years, including claiming responsibility and remorsefulness for Mr. Angulo's murder. But after carefully considering the very same factors the Board is required to consider, I find the gravity of the second-degree committed by Mr. Palacios presently outweighs the positive factors supporting his parole suitability. Accordingly, because I believe his release from prison would pose an unreasonable risk of danger to society at this time, I REVERSE the Board's 2005 decision to grant parole to Mr. Palacios."

On March 3, 2006, Petitioner filed a writ of habeas corpus in the Superior Court of California, County of Los Angeles. Nearly sixteen (16) months later, on June 22, 2007, the writ was denied (EXHIBIT 8). Petitioner is somewhat confused by the trial court's denial because the court cites a reason not given by the Governor. The Governor stated, "This was a vicious, unprovoked, gang-related murder...and demonstrative of exceptional depravity, cruelty, and disregard for human life and suffering. [ ] Mr. Palacios committed an especially cruel second-degree murder and this factor alone is enough for me to conclude..." (EXHIBIT 7).

Turning to the trial court's decision: "The Court finds that there is some evidence to support the Governor's finding that 'the offense was carried out in a manner which demonstrates an exceptionally callous disregard for human suffering.' (Cal. Code Regs., tit. 15, § 2402(c)(1)(D))" (EXHIBIT 8, p. 1). The court explains, "Callous disregard for human suffering is demonstrated when 'death results from severe trauma inflicted with deadly

intensity; e.g., beating, clubbing, stabbing, strangulation, burning, multiple wounds inflicted with a weapon not resulting in immediate death or actions calculated to induce terror in the victim" (Id.).

Although the Governor said nothing in his decision about "motive"; not even addressing motive as it relates to the regulations (Cal. Code Regs., tit. 15, § 2402(c)(1)(E)), the state court concluding: "The Governor was justified in determining that this motive is materially less significant than those which conventionally drive people to commit murder, indicating that petitioner is more of a risk to society if released" (Id., p. 2). The Governor, in his decision, never uses the word "motive" much less finding "the motive for the crime is inexplicable and very trivial in relation to the offense" as the state court quotes, the state court decision be unreasonable in light of the facts.

The Los Angeles County Superior Court decision was affirmed by the Appellate Court of California, Second Appellate District, on September 13, 2007 (EXHIBIT 9); and the California Supreme Court denied review on March 19, 2008 (EXHIBIT 10).

\* \* \* \* \*

If any of these grounds was not previously presented to any other court, state briefly which grounds were not presented and why:

No new grounds are presented.

1 List, by name and citation only, any cases that you think are close factually to yours so that they  
2 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning  
3 of these cases:

4 PLEASE SEE MEMORANDUM OF LAW ATTACHED HERETO

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7 Do you have an attorney for this petition? Yes \_\_\_\_\_ No XX

8 If you do, give the name and address of your attorney:

9  
10 WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in  
11 this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

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13 Executed on 4.13.08

14 Date

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Edward Palacios  
Signature of Petitioner

(Rev. 6/02)

M E M O R A N D U M O F L A W

A. Petitioner has A Liberty Interest in Parole

Under California's parole statutes, Penal Code § 3041(b), Petitioner has a liberty interest in parole (Greenholtz v. Inmates of Nebraska Penal and Correctional Complex (hereafter Greenholtz), 442 U.S. 1 (1979); Sass v. Board of Prison Terms, 461 F.3d 1123, 1127 (9th Cir. 2006)).

The Governor of California reversed Petitioner's grant of parole on December 19, 2005, the "predicate act" (28 U.S.C. § 2244(d)(1)(D)). Sixty-two days later, on March 3, 2006, Petitioner filed a writ of habeas corpus in the Superior Court of California, Los Angeles County, challenging the Governor's decision. The writ being denied 476 days later on June 22, 2006, Petitioner being served on July 13, 2007, tolling therefore being 497 days (EXHIBIT 8). Fifty-four days later, on or about September 5, 2007 Petitioner filed a writ of habeas corpus in the Appellate Court of California, Second Appellate District. The writ was denied on September 13, 2007 (EXHIBIT 9). On or about January 15, 2008, 143 days later, Petitioner filed a writ in the California Supreme Court. On March 19, 2008, 54 days later, the writ was denied (EXHIBIT 10).

In total, from December 19, 2005, when the "predicate act" occurred, until the writ was denied by the California Supreme Court, a total of 497 days are tolled; and, as of April 10, 2008, a total of 272 days are untolled (28 U.S.C. § 2244(b)(2)), leaving Petitioner, as of April 10, 2008, with a reserve of approximately 93 days.

Petitioner having a "liberty interest" in parole, being diligent in exhausting his state court remedies, this Court has jurisdiction.

B. After 20 Plus Years Into A 15 Years to Life Sentence, There Is No Evidence Petitioner Is A CURRENT Threat to the Public.

Currently, the most persuasive, and instructive authority on some evidence and how it is to be applied and weighed is the recent decision from the Ninth Circuit Court of Appeals in the precedent setting case of Wayward v. Marshall, 512 F.3d 536, (9th Cir. 2008). Relying on In re Lee, 143 Cal.App.4th, 1400 (2006); In re Elkins, 144 Cal.App.4th 475 (2006); and In re Scott II, 133 Cal.App.4th 573 (2005) (see Kyman v. Sears and Robuck, 505 F.3d 993, 995 (9th Cir. 2007) ["where there is no convincing evidence that the state supreme court would decide differently, a federal court is obligated to follow the decisions of the state's intermediate appellate courts"] internal quotation marks omitted), analyzing California's parole law, reviewing federal constitutional protections of the "some evidence" standard under the application of California law, the Ninth Circuit Court of Appeals concluded the suitability and unsuitability factors set out in Cal. Code Regs., tit. 15, § 2402(c) and (d), in Wayward v. Marshall, 512 F.3d, at 543, supra:

"Even though these suitability and unsuitability factors are helpful in analyzing whether a prisoner should be granted parole, California courts have made it clear that the 'findings that are necessary to deem a prisoner unsuitable for parole,' Irons [v. Carey], 505 F.3d [846,] at 851 [(9th Cir. 2007)], 2007 WL 2927359, at \*3, are not that a particular factor or factors indicating unsuitability exists, but that a prisoner's release will unreasonably endanger public safety. (Citations.); see Cal. Penal Code § 3041(b) (providing that the Board 'shall set a release date unless...consideration of the public safety requires a more lengthy period of incarceration for this individual'). For our purposes, then, '[t]he test is not whether some evidence supports the reasons the Governor cites for denying parole, but whether some evidence indicates a parolee's release unreasonably endangers public safety. Some evidence of the existence of a particular factor does not necessarily equate to some evidence the parolee's release unreasonably endangers public safety.' Lee, 143 Cal. App.4th at 1408 (citations and footnotes omitted); see also In re Elkins, 144 Cal.App.4th 475, 499, 50 Cal.Rptr.3d 503 (Cal. Ct. App. 2006) (holding that the 'governor, in reviewing a suitability determination, must remain focused...on facts indicating that release currently poses 'an unreasonable risk of danger to society'' (citing Cal. Code Regs. tit. 15, § 2402(a)); Scott, 133 Cal.App.4th at 591 ('The factor

statutorily required to be considered and the overarching consideration, is  
"public safety." (citing Cal. Penal Code § 3041(b)), (emphasis and ellipses  
 in original).

While it may be argued that Hayward v. Marshall is only "dicta," that dicta is instructive authority in the Ninth Circuit. That instruction being that parole suitability turns on two factors: (1) time, has the prisoner served his minimum term?; and (2) rehabilitation, is there any evidence that the prisoner is not rehabilitated and would therefore be a current threat to society? (McCarns v. Dexter, \_\_\_\_ F.Supp.2d \_\_\_\_, (C.D. Cal. 2008), 2008 WL 360827, \*13, factual predicate is satisfied when prisoner has served minimum term; legal predicate is satisfied when prisoner is rehabilitated. See also In re Tripp, 150 Cal.App.4th 306, 313 (2007) ["It violates a prisoner's right to due process when the Board or Governor attaches significance to evidence that forewarns no danger to the public or relies on an unsupported conclusion".])

In that Petitioner's commitment offense will never change, as articulated by the United States Supreme Court: "The decision turns on...primarily what a man is and what he may become rather than simply what he has done" (Greenholtz, 442 U.S., at 10, supra); moreover, "[i]t is important that we not overlook the ultimate purpose of parole which is a component of the long-range objective of rehabilitation" (Id., at 13). Thus, "[t]he behavior record of an inmate during confinement is critical in the sense that it reflects the degree to which the inmate is prepared to adjust to parole release" (Id., at 15). The Supreme Court also recognized that a prisoner "may become eligible for discretionary parole when the minimum term, less good time credits, has been served" (Id., at 4). The factual predicate,

therefore, is time; while the legal predicate is rehabilitation. Rehabilitation, of course, being the ultimate determining factor. This is the Greenholtz doctrine: time, plus rehabilitation, equal parole. Twenty years after the commitment offense

Petitioner satisfied his minimum term on February 19, 1995 (see EXHIBIT 4, HT 1:14-15, "minimum eligible parole date"), calendar years plus custody credits. Petitioner met his 15 calendar years on or about September 25, 2000. Calculating Petitioner term, applying earned conduct credits, Petitioner's net term is 168 months, or 14 years 8 months (EXHIBIT 6). Thus, Petitioner is currently 10 plus years beyond his release date.

The Governor's decision in case at bench is based solely on the commitment offense (EXHIBIT 7, p. 2). The state court decision (EXHIBIT 8), affirmed by the state Appellate Court (EXHIBIT 9), and California Supreme Court (EXHIBIT 10), are unreasonable in light of the facts and unsupported by any evidence that Petitioner is a current threat to the public, violating his right to due process.

The Ninth Circuit warned: "in some cases, indefinite detention based solely on an inmate's commitment offense, regardless of the extent of his rehabilitation, will at some point violate due process, given the liberty interest in parole that flows from relevant California statutes" (Irons v. Carey, 505 F.3d 846, 854 (9th Cir. 2007); Wayward v. Marshall, 512 F.3d, at 545, supra). While the Governor's "reliance on the gravity of the offense and conduct prior to imprisonment to justify denial of parole can initially be justified as fulfilling the requirements of state law[, ] [¶] "[a] continued reliance in the future on an unchanging factor, the circumstance

of the offense and prior criminal history, runs contrary to the rehabilitative goals espoused by the prison system and could result in a due process violation" (Biggs v. Ternune, 334 F.3d 910, 916-917 (9th Cir. 2003); In re Roderick, 154 Cal.App.4th 242, 264 (2007) [a rational connection must be made between the commitment offense 20 years ago and statutory basis for denial-current threat to public safety]; In re Tripp, 150 Cal.App.4th, at 309 ["the viciousness of the commitment offense must be balanced against the passage of time and rehabilitation"]). Thus, after exceeding the minimum term of the sentence, satisfying the factual predicate, suitability turns on the legal predicate, rehabilitation (McCarns v. Dexter, 2008 WL 360827, \*13, supra). Unquestionably, Petitioner has satisfied both prongs and any further imprisonment serves no legitimate penological interest.

#### C O N C L U S I O N

It is respectfully requested that the Court issue an ORDER for the respondent to show cause why the writ should not be granted; and, in that Petitioner has exceeded his uniform term for the gravity of his commitment offense and its threat to public safety by 8 plus years, why all excess credits should not be applied to his period of parole (Martin v. Marshall, 448 F.Supp.2d 1143, 1145 (W.D. Cal. 2006); Cal. Code Regs., tit. 15, § 2345).

DATED: 4-13-08

Respectfully submitted,

Edward Palacios  
Edward Palacios  
Petitioner in pro se

EXHIBIT 1

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

The People of the State of California,  
Plaintiff,  
v.  
EDWARD PALACIOS, and  
CARLOS SOTO  
Defendant.

No. A 772728

AMENDED  
INFORMATION

VIOL. SEC. 187(a) PC CT. I

The said EDWARD PALACIOS, and  
CARLOS SOTO

is accused by the District Attorney of and for the County of Los Angeles, State of California, by this  
information, of the crime of MURDER, in violation of Penal Code Section 187(a),

a felony, committed as follows: That the said EDWARD PALACIOS, and  
CARLOS SOTO

on or about the 2nd day of September 1985, at and in the County of Los Angeles, State of  
California, did willfully and unlawfully, and with malice aforethought murder EDDY ANGULO,  
a human being.

It is further alleged that in the commission and attempted commission of  
the above offense, the said defendant(s), EDWARD PALACIOS, personally used  
a deadly and dangerous weapon(s), to wit, KNIFE, said use not being an  
element of the above offense, within the meaning of Penal Code Section 12022(1)

It is further alleged that in the commission and attempted commission of  
the above offense, the said defendant(s), CARLOS SOTO, personally used a  
deadly and dangerous weapon(s), to wit, BASEBALL BAT, said use not being  
an element of the above offense, within the meaning of Penal Code Section  
12022(b).

Filed in open Superior Court of the State of  
California, County of Los Angeles, on motion  
of the District Attorney of said County.

DATED:

**FILED**

JOHN J. CORCORAN, Clerk

JAN 08 1986

By

COUNTY CLERK

Deputy

IRA REINER

~~JOHN J. CORCORAN~~, District Attorney

for the County of Los Angeles, State of California

By

PAUL TAKAKJIAN

Deputy

em

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 112 HON. ALEXANDER H. WILLIAMS, III, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA, )  
PLAINTIFF, ) NO. A-772 728  
VS. ) STATE PRISON  
EDWARD PALACIOS, )  
DEFENDANT. )

LOS ANGELES, CALIFORNIA; FRIDAY, MARCH 21, 1986; 10:30 A. M.

UPON THE ABOVE DATE, THE DEFENDANT BEING  
PRESENT IN COURT WITH COUNSEL, LINDSEY WESTON, DEPUTY PUBLIC  
DEFENDER OF LOS ANGELES COUNTY; THE PEOPLE BEING REPRESENTED  
BY PATRICK DIXON, FOR PAUL TAKAKJIAN, DEPUTY DISTRICT ATTORNEYS  
OF LOS ANGELES COUNTY, THE FOLLOWING PROCEEDINGS WERE HELD:

(NIKKI MILLER, CSR #3052,  
OFFICIAL REPORTER.)

1 THE COURT: DEFENDANT EDWARD PALACIOS APPEARS WITH  
2 COUNSEL, MS. WESTON; THE PEOPLE BY MR. DIXON, FOR  
3 MR. TAKAKJIAN.

4 THE MATTER IS ON FOR SENTENCING.

5 I HAVE READ AND CONSIDERED THE REPORT OF  
6 DEPUTY PROBATION OFFICER SMITH.

7 I HAVE DISCUSSED THE MATTER WITH COUNSEL.

8 I AM SATISFIED THAT THIS CASE IS A CASE THAT IS  
9 A SECOND DEGREE MURDER CASE.

10 I AM NOT PERSUADED THAT THE EVIDENCE COULD  
11 ESTABLISH FIRST DEGREE MURDER, AND THEREFORE THIS CASE DOES  
12 FALL WITHIN EXCEPTION NUMBER ONE TO PROPOSITION 8.

13 I'M ALSO SATISFIED THAT THE SENTENCE IS ONE  
14 THAT WOULD PROTECT SOCIETY, AND I HAVE CONSIDERED THAT  
15 CAREFULLY.

16 I DO NOTE WITH CREDIT, THAT BOTH THE PROBATION  
17 OFFICER AND THE OFFICER INVESTIGATING THE CASE WERE THANKED  
18 BY THE VICTIM'S FATHER IN THE REPORT FOR THEIR CARE AND  
19 CONSIDERATION IN THIS MATTER.

20 MS. WESTON.

21 MS. WESTON: MAY I HAVE JUST A SECOND?

22 THE COURT: SURE.

23  
24 (BRIEF PAUSE.)

25  
26 THE COURT: MS. WESTON, READY TO PROCEED?

27 MS. WESTON: YES.

28 THE COURT: ALL RIGHT.

1 I AM PREPARED TO SENTENCE AS INDICATED.

2 DO YOU WAIVE FURTHER ARRAIGNMENT FOR JUDGMENT  
3 AND SENTENCE?

4 MS. WESTON: YES.

5 THE COURT: ANY LEGAL CAUSE WHY WE CANNOT PROCEED?

6 MS. WESTON: NO.

7 THE COURT: ANY REMARKS ON BEHALF OF MR. PALACIOS?  
8 ANY COMMENTS IN HIS BEHALF?

9 I SHOULD NOTE THAT THE REPORT NOTES THAT THIS  
10 IS HIS FIRST FELONY --

11 MS. WESTON: YES.

12 THE COURT: -- OF ALL CONVICTIONS..

13 MS. WESTON: I THINK THIS IS A VERY SAD CASE, AS  
14 MR. PALACIOS' PROBATION REPORT INDICATES. HE HAS NO ADULT  
15 RECORD.

16 HE WAS EMPLOYED AT THE TIME.

17 HE IS IN COURT WITH HIS FAMILY, WHO CARE ABOUT  
18 HIM VERY MUCH.

19 HE IS A YOUNG MAN. AND I AM CERTAIN THAT HE'LL  
20 DO WELL IN PRISON AND THAT HE'LL BE RELEASED AS SOON AS  
21 POSSIBLE.

22 THE COURT: ANY ADDITIONAL REMARKS?

23 MS. WESTON: NO.

24 THE COURT: MR. DIXON, IN BEHALF OF THE PEOPLE, I  
25 ASSUME THAT THE PEOPLE, AS MR. TAKAKJIAN SAID EARLIER,  
26 CONCUR THAT THE EVIDENCE ESTABLISHED -- WOULD ESTABLISH THE  
27 OFFENSE OF WHICH THE DEFENDANT HAS PLEADED GUILTY, AND NOT  
28 FIRST DEGREE MURDER.

1 MR. DIXON: YES, YOUR HONOR.

2 I HAD AN OPPORTUNITY TO READ THE PROBATION  
3 REPORT IN THIS CASE AND REVIEW THE FACTS. AND IT IS MY  
4 OPINION, BASED ON THAT, THAT THE PEOPLE COULD NOT PROVE  
5 BEYOND A REASONABLE DOUBT THE ELEMENTS OF PREMEDITATION AND  
6 DELIBERATION NECESSARY FOR A FIRST DEGREE MURDER CONVICTION.  
7 THAT A SECOND DEGREE MURDER CONVICTION AND THE PLEA IN THIS  
8 MATTER IS APPROPRIATE, ESPECIALLY IN LIGHT OF THE DEFENDANT'S  
9 BACKGROUND, WHICH THE DEFENSE ATTORNEY JUST INDICATED IS  
10 VOID OF ANY CONVICTIONS.

11 THE COURT: YES. THAT IS REFLECTED IN THE PROBATION  
12 REPORT AND WHICH I HAVE CONSIDERED.

13 MR. DIXON: I THINK IT IS AN APPROPRIATE SENTENCE.

14 THE COURT: VERY WELL.

15 THE DEFENDANT HAVING PLEADED GUILTY TO AND  
16 HAVING BEEN FOUND GUILTY OF SECOND DEGREE MURDER, THE COURT  
17 SENTENCES AS FOLLOWS:

18 PROBATION IS DENIED.

19 THE DEFENDANT IS COMMITTED TO STATE PRISON  
20 FOR THE TERM PRESCRIBED BY LAW.

21 AGAINST THAT HE IS TO BE CREDITED WITH 177 DAYS  
22 OF ACTUAL TIME, PLUS 88 DAYS OF GOOD TIME/WORK TIME; FOR A  
23 TOTAL OF 265 DAYS OF CREDIT.

24 IS THAT CORRECT?

25 MS. WESTON: YES, YOUR HONOR.

26 THE COURT: ALL RIGHT.

27 THAT WILL BE THE CREDIT.

28 DEFENDANT SHALL ALSO PAY A RESTITUTION FINE OF

1 \$100 PER 13967 OF THE GOVERNMENT CODE.

2 ANY ADDITIONAL FEATURES OF THE SENTENCE  
3 RECOMMENDED BY THE PEOPLE OR OBJECTIONS OR COMMENTS BY THE  
4 PEOPLE?

5 MR. DIXON: NO, THANK YOU.

6 THE COURT: BY THE DEFENSE?

7 MS. WESTON: NO.

8 THE COURT: AS TO THE UNDETERMINED ENHANCEMENT  
9 ALLEGATIONS AND THE BALANCE OF THE COUNTS, IF ANY,  
10 MR. DIXON.

11 MR. DIXON: MOTION TO DISMISS, PURSUANT TO THE CASE  
12 SETTLEMENT.

13 THE COURT: AND PURSUANT TO 1385 OF THE PENAL CODE  
14 IN THE INTEREST OF JUSTICE, GRANTED.

15 ANYTHING ELSE?

16 MR. DIXON: NO, THANK YOU.

17 THE COURT: ALL RIGHT.

18  
19 (PROCEEDINGS CONCLUDED.)

20 END  
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1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT NO. 112

HON. ALEXANDER H. WILLIAMS, III, JUDGE

4  
5 THE PEOPLE OF THE STATE OF CALIFORNIA, )

6 PLAINTIFF, )

NO. A-772 728

7 VS. )

REPORTER'S  
CERTIFICATE

8 EDWARD PALACIOS, )

9 DEFENDANT. )  
10

11 STATE OF CALIFORNIA )

) ss

12 COUNTY OF LOS ANGELES )

13 I, NIKKI MILLER, OFFICIAL REPORTER OF THE  
14 SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF  
15 LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE  
16 AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD AT THE TIME  
17 OF PRONOUNCING SENTENCE;

18 THAT THE VIEWS AND RECOMMENDATIONS OF THE COURT,  
19 IF ANY, ARE CONTAINED HEREIN, PURSUANT TO SECTION 1203.01 OF  
20 THE PENAL CODE.

21 DATED THIS 14TH DAY OF APRIL, 1986.  
22  
23

24 /S/ NIKKI MILLER

25 NIKKI MILLER, CSR #3052  
26 OFFICIAL REPORTER  
27  
28

**E X H I B I T   3**

D. Hume, 166.

PRESENT OFFENSE:  
(CONTINUED)SOURCES OF INFORMATION (this page)  
D.A. FILE

ARREST DATE	TIME	BOOKED AS	OFFENSE	LOCATION OF ARREST	ARRESTING AGENCY
9-25-85	5 PM		187 PC (HOMICIDE)	D.S.L. TRANSPORTATION COMPANY - SOUTH GATE, CALIFORNIA	LENNOX SO

CO-DEFENDANT(S)	CASE NO.	DISPOSITION
CARLOS SOTO	A-772728	P&S HEARING SCHEDULED 3-28-86 IN DEPT. 112 FOR VIOLATION OF 245(A)(1) PC - CT. II.

## ELEMENTS AND RELEVANT CIRCUMSTANCES OF THE OFFENSE:

AT APPROXIMATELY 1:40 A.M. ON SEPTEMBER 2, 1985, WHILE 17-YEAR-OLD EDDY ANGULO WAS AT LENNOX PARK WITH HIS GIRLFRIEND AND OTHER ACQUAINTANCES, A TRUCK DRIVEN BY EDWARD PALACIOS APPROACHED ANGULO. THIS TRUCK ALSO CONTAINED CARLOS SOTO AND 14-YEAR-OLD ROBERT SANDEN AS PASSENGERS. SOMEONE IN THE TRUCK ASKED MR. ANGULO WHERE HE WAS FROM AND ONCE HE STATED--LENNOX, A VERBAL CONFRONTATION DEVELOPED WITH THE OCCUPANTS OF THE TRUCK EVENTUALLY EXITING THE VEHICLE AND APPROACHING MR. ANGULO. ROBERT SANDEN USED A BASEBALL BAT TO STRIKE THE VICTIM WHILE CARLOS SOTO ALSO USED A BASEBALL BAT TO STRIKE THE VICTIM. EDWARD PALACIOS USED A KNIFE TO STAB THE VICTIM. AFTER THE STABBING, THE ASSAILANTS RETURNED TO THEIR VEHICLE AND DROVE OFF. PARAMEDICS WERE SUMMONED BY ACQUAINTANCES OF THE VICTIM AND HE WAS SUBSEQUENTLY TRANSPORTED TO DANIEL FREEMAN HOSPITAL WHERE HE SUBSEQUENTLY DIED AT APPROXIMATELY 6:20 P.M. ON SEPTEMBER 9, 1985.

THE VICTIM WAS LISTED AS CORONER CASE NO. 85-11548 WITH THE CORONER DETERMINING THAT THE CAUSE OF DEATH WAS FROM ACUTE  
-2-(PALACIOS)

1 MIOCARDIAL INFARCTIM DUE TO A STAB WOUND PENETRATING THE HEART AND  
2 CUTTING THE RIGHT CORONARY ARTERY. THE VICTIM WAS DETERMINED TO  
3 HAVE SUSTAINED SIX SEPARATE STAB WOUNDS TO HIS CHEST AND ABDOMEN.  
4 HE HAD ALSO SUSTAINED A LARGE BRUISE TO THE LEFT RIB CAGE WHICH HAD  
5 DEVELOPED SOME HEMORRHAGING.

6 ACQUAINTANCES OF THE DECEASED IDENTIFIED 14-YEAR-OLD  
7 ROBERT SANDEN AS ONE OF THE ASSAILANTS AND WHEN OFFICERS WERE ABLE  
8 TO LOCATE HIM, HE WAS SUBSEQUENTLY ARRESTED FOR THE CHARGE OF HOMICIDE.  
9 HE ADMITTED TO INVESTIGATING SHERIFF'S DEPUTY HE HAD IN FACT HIT THE  
10 VICTIM WITH A BASEBALL BAT AND HE THEN PROCEEDED TO IDENTIFY EDWARD  
11 PALACISO (STREET NAME OF - PAYASO'S), AS THE PERSON WHO HAD STABBED  
12 THE VICTIM. THIS YOUNGSTER THEN PROCEEDED TO IDENTIFY CARLOS SOTO  
13 BY HIS STREET NAME - BEAVER, AS THE PERSON THAT HAD ALSO STRUCK THE  
14 VICTIM WITH A BASEBALL BAT.

15 CARLOS SOTO WAS ARRESTED IN FRONT OF HIS HAWTHORNE  
16 RESIDENCE ON SEPTEMBER 25, 1985, AND DURING AN INTERVIEW ON THAT  
17 DATE WITH SHERIFF'S DEPUTIES, HE DENIED BEING IN LENNOX PARK AT THE  
18 TIME THE VICTIM HAD BEEN ASSAULTED. EDWARD PALACIOS WAS ARRESTED ON  
19 SEPTEMBER 25, 1985, AS HE WAS LEAVING HIS PLACE OF EMPLOYMENT IN  
20 SOUTH GATE AND HE ALSO DENIED BEING PRESENT AT LENNOX PARK WHEN THE  
21 VICTIM WAS ASSAULTED.

22 AT EDWARD PALACIOS TRIAL ON FEBRUARY 28, 1986, HE  
23 PLEADED GUILTY TO THE CHARGE OF SECOND DEGREE OF HOMICIDE WITH THE

-3-(PALACIOS)

1 COURT THEN SETTING THE PROBATION AND SENTENCING HEARING FOR TODAY'S  
2 DATE WHILE ALSO SPECIFYING A DETERMINATION WOULD BE MADE AT THE P&S  
3 HEARING AS TO THE ALLEGED ENHANCEMENT. ON FEBRUARY 28, 1986, CARLOS  
4 SOTO WAS ALLOWED TO PLEAD GUILTY AT HIS TRIAL TO THE ADDED CHARGE OF  
5 VIOLATION OF SECTION 242(A)(1) PENAL CODE - COUNT TWO, WITH THE COURT  
6 THEN SCHEDULING A DISPOSITION AS TO COUNT ONE, 187(A) PENAL CODE FOR  
7 THE TIME OF THE PROBATION AND SENTENCE HEARING WHICH WAS THEN SCHEDULED  
8 FOR MARCH 28, 1986.

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23 -4-(PALACIOS)

VICTIM:

SOURCES OF INFORMATION (this page)  
D.A. FILE

NAME EDDY ANGULO	COUNT(S) I & II		
INJURY: PROPERTY LOSS (TYPE / COST / ETC.) DIED SEPTEMBER 9, 1985, AS THE DIRECT RESULT OF STAB WOUND INJURIES.			
INSURANCE COVERAGE NONE			
LOSS: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	ESTIMATED LOSS N/A	RESTITUTION ALREADY MADE N/A	APPLIED FOR VICTIM RESTITUTION FUND <input type="checkbox"/> UNK <input type="checkbox"/> YES <input type="checkbox"/> NO N/A

## VICTIM STATEMENT:

BECAUSE OF THE DEATH OF THE 17-YEAR-OLD VICTIM, THE PROBATION OFFICER WAS OBLIGATED TO INTERVIEW THIS VICTIM'S FATHER, MR. GUILLERMO ANGULO. COMMENTS OBTAINED FROM THIS VICTIM'S FATHER WILL BE COVERED IN THE NEXT PARAGRAPH.

MR. GUILLERMO ANGULO WAS INTERVIEWED BY THE PROBATION OFFICER ON MARCH 11, 1986, AND HE STATED THAT ALL OF HIS SON'S MEDICAL BILLS HAD BEEN PAID BY MEDI-CAL. HIS SON'S FUNERAL EXPENSES WERE PAID THROUGH THE "VICTIM'S OF VIOLENT CRIME FUND" AS ADMINISTERED BY THE STATE OF CALIFORNIA. THE FATHER HAS NO IDEA AS TO THE SPECIFIC COST OF THE FUNERAL OR HIS SON'S SEVEN-DAY TENURE AT DANIEL FREEMAN HOSPITAL SINCE NONE OF THE BILLS WERE EVER FORWARDED TO HIM.

THIS FATHER VIEWED THE DECEASED AS A FORMER ACTIVE LENNOX GANG MEMBER. HE FELT THAT FOR THE PAST YEAR OR SO, HIS SON HAD BEEN MORE INVOLVED IN LEARNING TO BE A BOXER AND PARTICIPATING IN THE JOB CORPS THAN IN FUNCTIONING AS A GANG MEMBER. MR. ANGULO:

RESTITUTION	TOTAL NUMBER OF VICTIMS 1	ESTIMATED LOSS TO ALL VICTIMS UNKNOWN	VICTIM(S) NOTIFIED OF P&S HEARING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DOES DEFENDANT HAVE INSURANCE TO COVER RESTITUTION: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		INSURANCE COMPANY NAME/ADDRESS/TELEPHONE NO. N/A	

1 WAS ELATED TO LEARN THAT HIS SON'S MURDERER HAS BEEN FOUND GUILTY.  
2 HE HOPES THE COURT WILL SEND HIS SON'S MURDERER TO PRISON AND -  
3 "ANYBODY ELSE THAT HARMED EDDY SHOULD GO TO PRISON. TELL THIS TO  
4 THE JUDGE FOR ME. YOU, SENOR SMITH, AND DETECTIVE DURAN HAVE BEEN  
5 VERY GOOD TO ME. THANK YOU VERY MUCH."

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23 --6--(PALACIOS)

## PRIOR RECORD:

SOURCES OF INFORMATION (this page)

CII (3-14-86), LOS ANGELES COUNTY PROBATION  
DEPT. INDEX, DEFENDANT'S STATEMENT

AKA'S: DEFENDANT HAS THE STREET NICKNAMES OF "PAYASO" AND "CLOWN"

JUVENILE HISTORY:

5-24-79 HAWTHORNE PD - 459 PC (BURGLARY). PETITION REQUESTED.

(DEFENDANT STATED THAT HE AND A NUMBER OF HIS FRIEND HAD DECIDED TO BE TRUANT FROM SCHOOL AND EVENTUALLY DECIDED TO BURGLARIZE A RESIDENCE. HE AND HIS COMPANIONS STOLE SOME MONEY FROM THE RESIDENCE AND WERE APPREHENDED BY POLICE THAT HAD BEEN CALLED BY THE VICTIM'S NEIGHBORS. DEFENDANT RECALLED GOING TO COURT AND HAVING THE JUDGE PLACING HIM HOME ON PROBATION FOR A PERIOD OF ONE YEAR.)

2-4-80 LASO - 12020(A) PC (POSSESSION OF A DANGEROUS WEAPON) - RELEASED DUE TO INSUFFICIENT EVIDENCE.

(DEFENDANT ACKNOWLEDGED THIS ARREST AND STATED THE ARRESTING OFFICERS BELIEVED THAT NUNCHUK STICKS WHICH HAD BEEN CONFISCATED HAD BEEN HIS PROPERTY. HE CLAIMED THESE MARTIAL ARTS TOOL WERE OWNED BY ONE OF HIS FRIENDS THAT HAPPENED TO HAVE BEEN STANDING NEXT TO HIM WHEN ALL OF THESE PERSONS WERE ARRESTED. WHEN THE FRIEND SAW SHERIFF'S DEPUTIES APPROACHING, HE DROPPED THE STICKS TO THE GROUND AND THE DEFENDANT DID NOT FEEL THAT SHERIFF'S DEPUTIES OBSERVED THE STICKS BEING DROPPED BY HIS FRIEND. DEFENDANT FELT THAT HE HAD BEEN RELEASED FROM CUSTODY AFTER POSSIBLY SPENDING 48 HOURS.)

5-7-80 HAWTHORNE PD - 148 PC (RESISTING ARREST) AND 20001 VC (HIT AND RUN INJURY). COUNSELED AND RELEASED.

(DEFENDANT ACKNOWLEDGED THIS ARREST AND STATED HE HAD BEEN A PASSENGER IN AN AUTOMOBILE THAT HIT A MOTORCYCLIST. ONCE THE DRIVER REALIZED WHAT HE DID, HE ATTEMPTED TO FLEE THE SCENE. POLICE THAT HAPPENED UPON THE CRIME SCENE AT ABOUT THE SAME TIME THAT THE CRIME WAS BEING COMMITTED, GAVE CHASE AND EVENTUALLY DETAINED THE FLEEING VEHICLE. ONCE THE DRIVER STATED THAT HE WAS THE DRIVER AND HIS TWO PASSENGERS HAD NO INVOLVEMENT IN THE HIT AND RUN, DEFENDANT WAS RELEASED FROM CUSTODY. EVEN THOUGH THE POLICE OFFICERS CHOSE TO RELEASE THE DEFENDANT, THEY STILL FELT THAT HE HAD NOT BEEN COOPERATIVE DURING THEIR INVESTIGATION.)

7-27-80 HAWTHORNE PD - 25662 B&amp;P (MINOR IN POSSESSION OF AN ALCOHOLIC BEVERAGE) - COUNSELED AND RELEASED.

(DEFENDANT ACKNOWLEDGED THIS ARREST AND STATED HE AND A FRIEND HAD BEEN DRINKING BEER AT A CARNIVAL AND ONCE THEY RETURNED TO THE FRIEND'S AUTOMOBILE, POLICE OFFICERS APPROACHED, OBSERVED THEM HOLDING OPEN CONTAINERS OF BEER AND THEN PROCEEDED TO ARREST

1 ARREST HIM. DEFENDANT BELIEVES THAT HE SPENT APPROXIMATELY  
2 EIGHT HOURS IN JAIL PRIOR TO BEING RELEASED.)

3 3-10-81 LASO - LYNWOOD, 488 PC (PETTY THEFT) - PETITION  
4 REQUESTED.

5 (DEFENDANT CLAIMED THAT HE STOLE A BICYCLE FROM THE FRONT OF  
6 A NEIGHBORHOOD MARKET SINCE HE WAS TIRED AND HAD BEEN WALKING  
7 HOME. SHORTLY AFTER ARRIVING AT HIS RESIDENCE, SHERIFF'S  
8 DEPUTIES ARRIVED AND TOOK HIM INTO CUSTODY FOR THE THEFT OF  
9 THE BICYCLE. THE DEFENDANT RECALLED BEING INTERVIEWED AT THE  
10 LYNWOOD SHERIFF'S STATION FOR A NUMBER OF HOURS AND THEN BEING  
11 ADVISED THAT NO OFFICIAL CHARGES WOULD BE FILED.)

12 6-20-81 LASO - LYNWOOD, 647(F) PC (DRUNK). PETITION  
13 REQUESTED.

14 (DEFENDANT STATED THAT HE AND SOME OF HIS FRIENDS HAD BEEN  
15 DRINKING BEER AND DECIDED TO WALK TO A HOUSE WHERE THEY  
16 KNEW SOME GIRLS LIVED. THE GIRLS DID NOT ALLOW THEM ENTRY  
17 BUT STILL CALLED THE POLICE. WHEN THE POLICE OFFICERS  
18 ARRIVED, THEY PROCEEDED TO ARREST DEFENDANT AND HIS FRIENDS  
19 FOR PUBLIC INTOXICATION. ALL WERE RELEASED FROM THE LYNWOOD  
20 SHERIFF'S STATION WITHIN 24 HOURS AND THE DEFENDANT DID NOT  
21 FEEL THAT ANY OF THE PERSONS ARRESTED EVER HAD TO GO TO COURT.)

22 ADULT HISTORY:

23 (NONE).

PERSONAL HISTORY:  
(CONTINUED)SOURCES OF INFORMATION (this page)  
DEFENDANT

RESIDENCE	TYPE RESIDENCE APARTMENT	LENGTH OF OCCUPANCY 5 YEARS	MORTGAGE/RENT \$300 ROOM AND BOARD	RESIDES WITH/RELATIONSHIP MOTHER
RESIDENTIAL STABILITY LAST FIVE YEARS GOOD		CAME TO STATE / FROM BORN		CAME TO COUNTY / FROM BORN

Additional information DEFENDANT IS THE EIGHTH BORN OF FOUR MALES AND FIVE FEMALES TO THE MARRIAGE OF JOSEPH PALACIOS AND LUPE MARIA GONZALES IN LOS ANGELES, CALIFORNIA. DEFENDANT BELIEVES THAT HE WAS APPROXIMATELY 13 YEARS OF AGE WHEN HIS PARENTS SEPARATED WITH HE AND HIS SIBLINGS THEN BEING RAISED EXCLUSIVELY BY THEIR MOTHER. HE HAS ALWAYS LIVED IN EITHER THE HAWTHORNE, WATTS OR LYNWOOD AREA. HIS MOTHER IS CURRENTLY RETIRED AND SUPPORTED BY SOCIAL SECURITY WHILE THE DEFENDANT'S FATHER DIED OF UNKNOWN CAUSES IN JANUARY OF 1986.\*\*

MARRIAGE / PARENTHOOD	MARITAL STATUS COHABITATION	NAME OF <del>WIFE</del> / PRESENT COHABITANT XXXX MONICA JARAMILLA(19 YRS)
LENGTH OF UNION SINCE DECEMBER 1984	NO. OF CHILDREN THIS UNION NONE	SUPPORTED BY N/A
NO. PRIOR MARRIAGES / COHABITATIONS NONE	NO. OF CHILDREN THESE UNIONS NONE	SUPPORTED BY N/A
NO. OF OTHER CHILDREN NONE	SUPPORTED BY N/A	

Additional information \*IT IS TO BE NOTED THAT EVEN THOUGH THE DEFENDANT ACKNOWLEDGES LIVING WITH HIS MOTHER AND PAYING HER \$300 PER MONTH ROOM AND BOARD, HE ALSO STATES HE RESIDES IN THE APARTMENT OF HIS GIRLFRIEND - MONICA JARAMILLA, 12119 ALPINE AVENUE, LYNWOOD, ON AN AVERAGE OF THREE NIGHTS PER WEEK. THIS TYPE OF A LIVING ARRANGEMENT HAS EXISTED FOR THE PAST YEAR.

IT IS THE DEFENDANT'S DESIRE TO RESUME HIS JOINT LIVING+

## FORMAL EDUCATION:

TENTH GRADE AT LYNWOOD HIGH SCHOOL

## 1 PERSONAL HISTORY:

SOURCES OF INFORMATION (this page)  
DEFENDANT

## 3 SUBSTANCE ABUSE:

4 \_\_\_\_\_ No record, indication, or admission of alcohol or controlled substance abuse.

5 XX Occasional social or experimental use of PHENCYCLIDINE AND BEER \_\_\_\_\_ acknowledged.

6 \_\_\_\_\_ See below: Indication / admission of significant substance abuse problem.

7 Referred to Narcotic Evaluator ☐ Yes ☐ No

\_\_\_\_\_ Narcotic Evaluator's report attached

## 9 Additional information

10 DEFENDANT STATED THAT HE WAS 15 YEARS OF AGE WHEN HE  
11 FIRST USED PHENCYCLIDINE. HE VIEWED HIS INITIAL USAGE AS SOMETHING  
12 THAT HAD OCCURRED "MAYBE ONCE OR TWICE A MONTH. IT WAS THIS WAY FOR  
13 MAYBE THE NEXT FOUR YEARS. DURING 1985 I STARTED SMOKING PCP EVERY  
14 WEEKEND. I LIKED GETTING HIGH AND IT DIDN'T COST ME ANY MORE THAN  
15 MAYBE \$50. I USED TO LIKE TO SHARE IT WITH MY FRIENDS BUT I STOPPED  
16 SINCE I'VE BEEN IN JAIL."

## 21 PHYSICAL / MENTAL / EMOTIONAL HEALTH:

22 X No indication or claim of significant physical/mental/emotional health problem.

23 \_\_\_\_\_ See below: Indication / claim of significant physical/mental/emotional health problem.

## 25 Additional information

1 MARRIAGE/PARENTHOOD:+

2 ARRANGEMENT WITH HIS CONSENSUAL SPOUSE AND HIS MOTHER WHENEVER HE IS  
3 RELEASED FROM CUSTODY.  
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23 -11-(PALACIOS)

PERSONAL HISTORY:  
(CONTINUED)SOURCES OF INFORMATION (this page)  
DEFENDANT

EMPLOYMENT STATUS	<input type="checkbox"/> EMPLOYED	REFERRED TO WORK FURLOUGH	EMPLOYER AWARE OF PRESENT OFFENSE	
	<input checked="" type="checkbox"/> UNEMPLOYED	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
<del>PREVIOUS</del> LAST EMPLOYER / ADDRESS / PHONE D.S.L. TRANSPORTATION CORPORATION - SOUTH GATE		OCCUPATION (LAST) FOREMAN	PERIOD OF EMPLOYMENT 18 MONTHS	GROSS MONTHLY WAGE \$8 AN HOUR
<input checked="" type="checkbox"/> VERIFIED <input type="checkbox"/> UNVERIFIED		EMPLOYMENT STABILITY LAST 5 YEARS FAIR.	TYPES OF PREVIOUS EMPLOYMENT FACTORY WORKER	

Additional information DEFENDANT WAS ARRESTED FOR THIS INSTANT COURT MATTER AT HIS PLACE OF BUSINESS AND DEFENDANT CLAIMS THAT IT IS HIS UNDERSTANDING THAT HE WILL BE ABLE TO REGAIN HIS JOB ONCE HE IS RELEASED FROM CUSTODY. HE HAD BEEN ASSIGNED AS THE FOREMAN FOR THE SHIPPING CLERKS AND VIEWS HIMSELF AS BEING AN EXCELLENT WORKER.

FINANCIAL STATUS	INCOME STABILITY CURRENTLY POOR		NET MONTHLY INCOME NONE	
PRIMARY INCOME SOURCE NONE	SECONDARY INCOME SOURCE(S) NONE		EST. TOTAL ASSETS NONE	EST. TOTAL LIABILITIES NONE
MAJOR ASSETS / ESTIMATED VALUE				
OWNERSHIP OF A 1985 NISSAN AUTOMOBILE WITH APPROXIMATELY \$6,000 STILL OWED AND MONTHLY PAYMENTS OF \$169. DEFENDANT BELIEVES THAT HIS MOTHER AND HIS CONSENSUAL SPOUSE HAVE BEEN MAKING THE REQUIRED MONTHLY PAYMENTS ON THIS VEHICLE DURING HIS CURRENT INCARCERATION.				
MAJOR LIABILITIES / ESTIMATED AMOUNT (MONTHLY) NONE LISTED				

Additional information

GANG ACTIVITY ☐ YES ☐ NO

Name of Gang \_\_\_\_\_

1 DEFENDANT'S STATEMENT:

2 DEFENDANT WAS INTERVIEWED AT THE LOS ANGELES COUNTY  
3 JAIL AND OFFERED THE FOLLOWING COMMENTS:

4 HE CLAIMS HE PLEADED GUILTY BECAUSE HIS ATTORNEY TOLD  
5 HIM HE COULD NOT WIN HIS CASE AND QUITE POSSIBLY, THE COURT WOULD  
6 HAVE GIVEN HIM THE MAXIMUM SENTENCE IF HE HAD PUSHED THE CASE ALL  
7 THE WAY TO A JURY TRIAL AND THEN LOST. HE WENT ON TO STATE THAT  
8 VARIOUS FRIENDS OF HIS HAVE GOTTEN WORD TO HIM THAT THE JUVENILE  
9 (ROBERT SANDEN) HAD BEEN PRESSURED BY LENNOX SHERIFFS TO STATE THAT  
10 HE PLAYED A MINOR ROLE IN THE ASSAULT AND EVENTUAL HOMICIDE WHILE THE  
11 DEFENDANT AND THE CODEFENDANT PLAYED THE MAJOR ROLES.

12 AT NO TIME DURING THE INTERVIEW WITH THIS DEFENDANT  
13 DID HE STATE THAT HE WAS SORRY FOR HIS ACTIONS. THE CLOSEST TYPE  
14 OF REMORSE, MADE BY THE DEFENDANT WAS AS FOLLOWS: "IT WAS SOMETHING  
15 THAT JUST HAPPENED. I DIDN'T GO OUT TO KILL ANYBODY."

16 THIS DEFENDANT'S GOALS FOR THE FUTURE ARE TO RESUME  
17 HIS CURRENT EMPLOYMENT AND TRY TO CONTINUE WITH HIS LIFE WITHOUT  
18 HAVING HIS CURRENT FELONY CONVICTION BECOME A TOTAL DISASTER FOR  
19 HIM. HE ACKNOWLEDGES THAT HE HAS BEEN A MEMBER OF THE - "LIL WATTS"  
20 GANG SINCE 1976 BUT HAS NOW DECIDED THAT IT WOULD BE TO HIS BEST  
21 INTEREST TO PERMANENTLY SEVER THESE ASSOCIATIONS. HE WAS VERY PROUD  
22 OF THE FACT THAT HE ONLY HAS THIS INSTANT COURT MATTER AS AN ADULT  
23 CRIMINAL SITUATION AND HE DOES NOT ANTICIPATE ANY NEW LAW VIOLATIONS

1 IN THE FUTURE.

2 INTERESTED PARTIES:

3 DETECTIVE RON LANCASTER IS ONE OF THE LISTED  
4 INVESTIGATORS, HOWEVER, HE IS NO LONGER ASSIGNED TO THE HOMICIDE  
5 DIVISION AND THE PROBATION OFFICER WAS UNABLE TO PERSONALLY  
6 INTERVIEW HIM. DETECTIVE BARRY JONES WAS ON A TEMPORARY LEAVE  
7 FROM HIS HOMICIDE DETAIL AND WILL NOT RETURN TO WORK UNTIL THE  
8 MARCH 17, 1986. HOWEVER, THE PROBATION OFFICER WAS ABLE TO  
9 INTERVIEW DETECTIVE DURAN OF THE LENNOX SHERIFF'S STATION ON  
10 MARCH 11, 1986. DETECTIVE DURAN IS ASSIGNED TO OPERATION SAFE  
11 STREETS AND HE ACKNOWLEDGED HAVING TOTAL MEMORY AS TO BOTH  
12 DEFENDANTS. HE WANTED TO GO ON RECORD AS OFFERING THE FOLLOWING  
13 COMMENTS:

14 "BOTH SHOULD BE SENT TO PRISON. THEY INITIATED  
15 THIS VIOLENCE. WE HAVE ID'D BOTH SOTO AND PALACIOS AS ACTIVE  
16 LIL WATTS GANG MEMBERS. PALACIOS IS LOOKED UPON BY YOUNGER GANG  
17 MEMBERS AS A LEADER AND SOTO WILL DO ANYTHING ASKED OF HIM. IF  
18 THE COURT ALLOW EITHER PALACIOS OR SOTO TO REMAIN IN THE COMMUNITY  
19 THEIR GANG MEMBERS WILL LOOK UPON THEM AS HEROES. ALSO, THE VICTIM'S  
20 GANG MIGHT FEEL THE NEED TO ENGAGE IN ONGOING VIOLENCE IN ORDER TO  
21 AVENGE THE DEATH OF ONE OF THEIR OWN."

22 DETECTIVE DURAN WANTS TO GO ON RECORD AS STATING HE  
23 WAS EXTREMELY DISAPPOINTED ONCE LEARNING THAT THE DISTRICT ATTORNEY  
-14-(PALACIOS)

1 AND THE COURT ALLOW PALACIOS TO PLEAD GUILTY TO SECOND DEGREE MURDER  
2 AND THEN ALLOWED SOTO TO PLEAD TO ASSAULT. HE DID NOT FEEL THAT  
3 EITHER DEFENDANT WARRANTED THAT TYPE OF LENIENCY.

4 EVALUATION:

5 FROM WHAT THE PROBATION OFFICER HAS BEEN ABLE TO LEARN  
6 ABOUT THIS CASE, THERE WAS NO JUSTIFICATION FOR THE VICTIM BEING  
7 ASSAULTED WITH BASEBALL BATS AND EVENTUALLY BEING STABBED BY THE  
8 DEFENDANT. YES, THIS VICTIM WAS A MEMBER OF THE LENNOX GANG WHILE  
9 HIS ASSAILANTS WERE MEMBERS OF LIL WATTS GANG. HOWEVER, IT WOULD  
10 APPEAR THAT THE ASSAILANTS WENT INTO THE TERRITORY OF THE VICTIM,  
11 PROVOKED THE VICTIM VERBALLY AND THEN INITIATED THE VIOLENT  
12 CONFRONTATION. NO TYPE OF SENTENCE IMPOSED BY THE COURT WILL BRING  
13 THE VICTIM BACK TO LIFE, HOWEVER, THE SENTENCE THAT IS GIVEN MUST  
14 DEMONSTRATE TO ALL CONCERNED GANG MEMBERS THAT THE LAW DEMANDS JUSTICE  
15 FROM WHOEVER IS FOUND GUILTY OF COMMITTING CRIMES OF VIOLENCE.

16 EVEN THOUGH THIS DEFENDANT SEEMS TO BE VOID OF A  
17 PRIOR CRIMINAL RECORD, IT MUST BE NOTED THAT IN ACCORDANCE WITH  
18 THE OFFENSE FOR WHICH HE HAS PLEADED GUILTY, HE WOULD NOT APPEAR  
19 TO BE ELIGIBLE FOR PROBATION CONSIDERATION. THEREFORE, A COMMITMENT  
20 TO THE DEPARTMENT OF CORRECTIONS SEEMS NECESSARY. IF THE COURT CHOOSES  
21 TO VIEW THIS DEFENDANT AS BEING THE TYPE OF PERSON THAT WARRANTS  
22 LENIENCY FROM THE COURT, THE PROBATION OFFICER WOULD HAVE NO OBJECTION  
23 IF THE COURT IMPOSED A MID-BASE TERM IN STATE PRISON.

-15-(PALACIOS)

1                   SENTENCING CONSIDERATIONS:

2                   FACTORS IN AGGRAVATION:

- 3                   1. THE DEFENDANT WAS ARMED WITH OR USED A WEAPON  
4                   AT THE TIME OF THE COMMISSION OF THE CRIME,  
5                   WHETHER OR NOT CHARGED OR CHARGEABLE AS AN  
6                   ENHANCEMENT UNDER SECTION 12022 OR 12022.5  
7                   PENAL CODE.  
8                   2. THE CRIME INVOLVED GREAT VIOLENCE, GREAT BODILY  
9                   HARM, THREAT OF GREAT BODILY HARM OR OTHER ACTS,  
10                  DISCLOSING A HIGH DEGREE OF CRUELTY, VICIOUSNESS  
11                  OR CALLOUSNESS WHETHER OR NOT CHARGED OR  
12                  CHARGEABLE AS AN ENHANCEMENT UNDER SECTION 12022.7  
13                  PENAL CODE.  
14                  3. THE DEFENDANT INVOLVED MINORS IN THE COMMISSION  
15                  OF THE CRIME.  
16                  4. HIS INVOLVEMENT IN THIS INSTANT ACTIVITY WOULD  
17                  SEEM TO INDICATE HE IS A SERIOUS DANGER TO  
18                  SOCIETY.

19                  FACTORS IN MITIGATION:

- 20                  1. HE HAS NO PRIOR CRIMINAL RECORD.

21                  IN ACCORDANCE WITH PENAL CODE SECTION 1203E(2),  
22                  DEFENDANT WOULD APPEAR TO BE INELIGIBLE FOR PROBATION CONSIDERATION.  
23                  A COMMITMENT TO THE DEPARTMENT OF CORRECTIONS AT THE MID TERM IS VIEWED  
                  AS APPROPRIATE.


RECOMMENDATION:

                  IT IS RECOMMENDED THAT PROBATION BE DENIED AND THAT  
                  DEFENDANT BE SENTENCED TO STATE PRISON WITH PRE-IMPRISONMENT CREDIT  
                  OF 177 DAYS; THAT THE COURT ORDER THE DEFENDANT TO PAY A RESTITUTION  
                  -16-(PALACIOS)

1 FINE OF \$10,000 PROVIDED IN SECTION 13967(A) OF THE GOVERNMENT CODE.

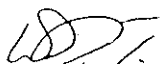
2 RESPECTFULLY SUBMITTED,

3 BARRY J. NIDORF,  
4 PROBATION OFFICER

5 BY   
6 GUSTAVE S. SMITH, DEPUTY  
7 POMONA VALLEY AREA OFFICE  
8 623-6811 EXT. 436

9 READ AND APPROVED

I HAVE READ AND CONSIDERED  
THE FOREGOING REPORT OF THE  
PROBATION OFFICER

10   
11 KENNETH FORNEY, SDPO

12 (SUBMITTED 3/14/86)  
13 (TYPED 3/15/86)  
14 GS:SH(8)

JUDGE OF THE SUPERIOR COURT

**E X H I B I T 4**

SUBSEQUENT PAROLE CONSIDERATION HEARING  
STATE OF CALIFORNIA  
BOARD OF PAROLE HEARINGS

In the matter of the Life )  
Term Parole Consideration )  
Hearing of: )  
EDWARD PALACIOS )  
\_\_\_\_\_ )

CDC Number D-27035

**INMATE  
COPY**

CORRECTIONAL TRAINING FACILITY  
SOLEDAD, CALIFORNIA

AUGUST 3, 2005 **PENDING REVIEW  
AND APPROVAL**  
9:04 A.M.

PANEL PRESENT:

TOM SAWYER, Presiding Commissioner  
BILL KEENAN, Deputy Commissioner

OTHERS PRESENT:

EDWARD PALACIOS, Inmate  
MARY ANN TARDIFF, Attorney for Inmate  
DEBRA ARCHULETA, Deputy District Attorney,  
Observer (arrived during deliberations)

CORRECTIONS TO THE DECISION HAVE BEEN MADE

_____	No	See Review of Hearing
_____	Yes	Transcript Memorandum

Ramona Cota

Peters Shorthand Reporting

INDEX

	<u>PAGE</u>
Proceedings .....	1
Case Factors .....	9
Pre-Commitment Factors .....	14
Post-Commitment Factors .....	29
Parole Plans .....	22
Closing Statements .....	55
Recess .....	64
Decision .....	65
Adjournment .....	76
Transcriber Certification .....	77

--oOo--

1 P R O C E E D I N G S

2 DEPUTY COMMISSIONER KEENAN: We are on  
3 record.

4 PRESIDING COMMISSIONER SAWYER: Okay,  
5 good morning. This is a Subsequent Parole  
6 Hearing for Edward Palacios. Did I pronounce  
7 that correctly?

8 INMATE PALACIOS: Yes.

9 PRESIDING COMMISSIONER SAWYER: Palacios,  
10 CDC number D-27035. Today's date is August 3rd,  
11 2005, time is 9:04 a.m., we are located at CTF,  
12 Soledad. The inmate was received on 3/31 of  
13 '86, committed from Los Angeles County. The  
14 life term began 3/31/86, his minimum eligible  
15 parole date was 2/19/95. The controlling  
16 offense set forth in case number A772728  
17 charging one count of violation of 187 second  
18 degree. There are no other counts and he  
19 received a term of 15 to life. This hearing is  
20 being tape-recorded. For the purpose of voice  
21 identification each one of us is being required  
22 to state our first and last name, spelling your  
23 last name. When we get to you, Inmate Palacios,  
24 I'd like you to give your inmate number as well,  
25 okay?

26 INMATE PALACIOS: Okay.

27 PRESIDING COMMISSIONER SAWYER: I'll

1 start with me, Tom Sawyer, S-A-W-Y-E-R,  
2 Commissioner.

3 **DEPUTY COMMISSIONER KEENAN:** Bill Keenan,  
4 K double E, N-A-N, Deputy Commissioner.

5 **ATTORNEY TARDIFF:** Mary Ann Tardiff,  
6 T-A-R-D-I double F, attorney for Mr. Palacios.

7 **INMATE PALACIOS:** Edward Palacios,  
8 P-A-L-A-C-I-O-S, D-27035.

9 **PRESIDING COMMISSIONER SAWYER:** Thank you  
10 very much. There's also two correctional peace  
11 officers in the room who are here for security  
12 purposes. I'm showing accommodation for  
13 disabilities for, let's see. The record  
14 reflects that you signed a BPT Form 1073, which  
15 is a Reasonable Accommodation Notice and Request  
16 in accordance with the provisions of the  
17 Americans with Disabilities Act --

18 (Off the record.)

19 **DEPUTY COMMISSIONER KEENAN:** This should  
20 be the generator and it's going to switch back  
21 one more time. Sometimes it's seamless and  
22 sometimes it does that whole thing again.

23 **ATTORNEY TARDIFF:** So we should not start  
24 again, right?

25 **DEPUTY COMMISSIONER KEENAN:** I'll put  
26 this on pause.

27 **PRESIDING COMMISSIONER SAWYER:** Put it on

1 pause.

2 **DEPUTY COMMISSIONER KEENAN:** Back on  
3 record.

4 **PRESIDING COMMISSIONER SAWYER:** Back on  
5 record. We had a brief power failure. We're  
6 back on record at ten after nine a.m. and I'll  
7 start over again to make sure we get this into  
8 the record in regards to the ensuring  
9 accommodation for disabilities. The record  
10 reflects that you signed BPT form 1073, which is  
11 a Reasonable Accommodation Notice and Request in  
12 accordance with the provisions of the Americans  
13 with Disabilities Act and that was signed on  
14 7/7/04. Counsel, here is the form.  
15 (Inaudible).

16 **ATTORNEY TARDIFF:** Yes.

17 **PRESIDING COMMISSIONER SAWYER:** You  
18 indicated you do not have an disabilities; is  
19 that true, Mr. Palacios?

20 **INMATE PALACIOS:** Yes, it's true.

21 **PRESIDING COMMISSIONER SAWYER:** And this  
22 information is still current and correct?

23 **INMATE PALACIOS:** Yes.

24 **PRESIDING COMMISSIONER SAWYER:** The  
25 information that you do not have any  
26 disabilities.

27 **INMATE PALACIOS:** Right, yes.

1           **PRESIDING COMMISSIONER SAWYER:** Very  
2 good. Counsel, I'll ask if you will waive the  
3 rest of the disability procedures.

4           **ATTORNEY TARDIFF:** Yes.

5           **PRESIDING COMMISSIONER SAWYER:** Thank you  
6 very much. Okay, I'll outline the hearing  
7 procedures, Mr. Palacios. This hearing is being  
8 conducted pursuant to Penal Code Sections 3041,  
9 3042, and the rules and regulations of the Board  
10 of Prison Terms governing parole consideration  
11 hearings for life inmates. The purpose of  
12 today's hearing is to consider your suitability  
13 for parole. In doing so we will consider the  
14 number and nature of the crimes you were  
15 committed for, your prior criminal and social  
16 history and your behavior and programming since  
17 your commitment. We also had the opportunity to  
18 review your Central File and your prior hearing  
19 transcript. You'll be given an opportunity to  
20 correct and clarify the record. We will  
21 consider your progress since your last  
22 commitment and since your last hearing. Your  
23 updated counselor's report and your  
24 psychological report will also be considered.  
25 Any change in parole plans should be brought to  
26 our attention. We will reach a decision today  
27 and inform you whether or not we find you

1   suitable for parole and the reasons for our  
2   decision.  If you are found not (sic) suitable  
3   for parole the length of your confinement will  
4   be explained to you.  This hearing will be  
5   conducted in two phases.  I will discuss with  
6   you the crime that you were committed for, your  
7   prior criminal and social history, your parole  
8   plans and any letters of support or opposition  
9   that may be on file.  Deputy Commissioner Keenan  
10  will discuss with you your progress since your  
11  commitment, your counselor's report and your  
12  psychological evaluation.  Once this is  
13  concluded the Commissioners, the district  
14  attorney, who is, for the record, Debra  
15  Archuleta.  Debra Archuleta is not here due to  
16  an illness this morning, will be given an  
17  opportunity to ask you questions if the district  
18  attorney does show up.

19           **INMATE PALACIOS:**  Okay.

20           **PRESIDING COMMISSIONER SAWYER:**  Okay?

21  Before we recess for deliberations the district  
22  attorney, your attorney, and you will be given  
23  an opportunity to make a final statement  
24  regarding your parole suitability.  Your  
25  statement should be directed as to why you feel  
26  you are suitable for parole.  We will recess and  
27  clear the room for deliberations.  Once we have

1 completed our deliberations we will resume the  
2 hearing and announce our decision. The  
3 California Code of Regulations states that  
4 regardless of time served a life inmate shall be  
5 found unsuitable for parole and denied parole if  
6 in the judgment of the panel the inmate would  
7 pose an unreasonable risk of danger to society  
8 if released from prison. You have certain  
9 rights. These rights include the right to a  
10 timely notice of this hearing, the right to  
11 review your Central File and the right to  
12 present relevant documents. Counselor, have  
13 your inmate's rights been met?

14 **ATTORNEY TARDIFF:** Yes they have.

15 **PRESIDING COMMISSIONER SAWYER:** Also you  
16 have the right to be heard by an impartial  
17 panel. Counsel, do you have any objection to  
18 the panel?

19 **ATTORNEY TARDIFF:** I don't.

20 **PRESIDING COMMISSIONER SAWYER:** You will  
21 receive a copy of our written tentative decision  
22 today. That decision is subject to review by  
23 the Decision Review Unit and by the entire Board  
24 meeting as a body. It will become effective  
25 within 120 days. It will also be subject to  
26 review by the Governor. A copy of the tentative  
27 decision and a copy of the transcript will be

1 sent to you. As of May 1st, 2004, there were  
2 major changes limiting your former rights to  
3 appeal Board decisions or actions directly to  
4 the Board. The old Board regulations were  
5 repealed. The current policy is entitled  
6 Administrative Appeals Correspondence and  
7 Grievances Concerning Board of Prison Terms  
8 Decisions. It is available at your prison  
9 library or through your attorney.

10 **INMATE PALACIOS:** Okay.

11 **PRESIDING COMMISSIONER SAWYER:** You are  
12 not required to admit your offense or discuss  
13 your offense if you do not wish to do so.  
14 However, this panel does accept as true the  
15 findings of the court and you are invited to  
16 discuss the facts and circumstances of this  
17 offense if you desire. The Board will review  
18 and consider any prior statements you have made  
19 regarding the offense in determining your  
20 suitability for parole. Commissioner, do we  
21 have any confidential material that will be used  
22 in today's hearing?

23 **DEPUTY COMMISSIONER KEENAN:** There is a  
24 confidential file; it may be used.

25 **PRESIDING COMMISSIONER SAWYER:** The  
26 hearing checklist. Counsel, I have a hearing  
27 checklist for you to check against your

1 checklist of your documents.

2 **ATTORNEY TARDIFF:** I have all of those  
3 documents?

4 **PRESIDING COMMISSIONER SAWYER:** Okay.  
5 Will the inmate be speaking to us today?

6 **ATTORNEY TARDIFF:** Yes.

7 **PRESIDING COMMISSIONER SAWYER:** Okay,  
8 thank you. If that's correct please raise your  
9 right hand, Mr. Palacios. Do you solemnly swear  
10 or affirm that the testimony you give at this  
11 hearing will be the truth, the whole truth and  
12 nothing but the truth?

13 **INMATE PALACIOS:** Yes.

14 **PRESIDING COMMISSIONER SAWYER:** Okay.  
15 This is the inquiry into the facts of the crime,  
16 the criminal record, the personal history --

17 **ATTORNEY TARDIFF:** He doesn't want to  
18 discuss the commitment offense. But he'll be  
19 willing to discuss everything else.

20 **PRESIDING COMMISSIONER SAWYER:** So you  
21 don't want to discuss the commitment offense?

22 **INMATE PALACIOS:** No I do not.

23 **PRESIDING COMMISSIONER SAWYER:** Will you  
24 discuss your version of the offense?

25 **INMATE PALACIOS:** No, I don't want to  
26 discuss anything. But I would like to stipulate  
27 to the official reports.

1           **PRESIDING COMMISSIONER SAWYER:** Okay,  
2 then I'm going to read them into the record.

3           **INMATE PALACIOS:** Okay.

4           **PRESIDING COMMISSIONER SAWYER:** Okay?  
5 I'm going to read the summary of the crime and  
6 the prisoner's version.

7           **INMATE PALACIOS:** Okay.

8           **PRESIDING COMMISSIONER SAWYER:** And this  
9 is being read from the Subsequent Parole  
10 Consideration Hearing of 2003 calendar Board  
11 Report, page 11. Summary of the crime. "At  
12 approximately 1:40 a.m. on September 2nd, 1985  
13 victim Eddie --"

14           **INMATE PALACIOS:** Angulo.

15           **PRESIDING COMMISSIONER SAWYER:** "Angulo,  
16 17 --" And that's spelled A-N-G-U-L-O.

17           "-- 17, was spending time with his  
18 acquaintances at Lennox Park. A  
19 truck driven by Edward Palacios  
20 and codefendants Carlos Soto and  
21 Robert Sanden --"

22 That's Soto, S-O-T-O, and Sanden, S-A-N-D-E-N.

23           "-- drove by. Someone in the  
24 truck yelled out asking, where are  
25 you from? A verbal confrontation  
26 ensued. The occupants of the  
27 truck exited their vehicle and

1 began fighting with the victim,  
2 Sanden and Soto using a baseball  
3 bat to assault the victim.  
4 Palacios stabbed the victim with a  
5 knife. After the stabbing the  
6 assailants drove off and the  
7 victim was rushed to Daniel  
8 Freeman Hospital where he died  
9 later the following week. The  
10 cause of death was determined to  
11 be a myocardial infarction due to  
12 a stab wound penetrating the heart  
13 and entering the right coronary  
14 artery. The subject was arrested  
15 as a result of the officer's  
16 investigation."

17 The prisoner's version.

18 "Palacios states that he's truly  
19 sorry for his role in the tragedy  
20 involving Eddie Angulo. He states  
21 that this involved many people in  
22 Eddie's family as well as his own  
23 family. He firmly believes that  
24 his abuse of drugs and his young  
25 age played a major part in this  
26 tragedy. He stated there are no  
27 words that he could say that would

1           express his sorrow and to feel the  
2           impact of having taken someone's  
3           else's life every day."

4   Page two of the same report reading under pre-  
5   conviction factors, juvenile record. Hawthorne  
6   PD arrest 5/24 of '79 for 459 burglary. Placed  
7   on probation for one year. Los Angeles County  
8   Sheriff's Office arrest 2/4 of '80 for 12020(a),  
9   possession of a dangerous weapon. Subject was  
10   released due to insufficient evidence.

11   Hawthorne PD arrest 5/7/2001 (sic) felony hit  
12   and run and 148 resisting arrest. Subject was  
13   counseled and released. Hawthorne PD arrests  
14   7/27 of 1980 for BMP minor in possession of  
15   alcohol. Subject counseled and released. Los  
16   Angeles County Sheriff's Office arrest 3/10 of  
17   '81 for 488 PC petty theft. Petition requested,  
18   no more charges on file. Los Angeles County  
19   Sheriff's Office 6/20 of '81 for 637(f) drunk in  
20   public. Petition requested, disposition  
21   unknown. That was your juvenile record. Adult  
22   convictions, none. We'll go on to personal  
23   factors. Palacios was born October 14th, 1964,  
24   the eighth of nine children born to the union of  
25   Jose Palacios and Lupe Maria Gonzalez in Los  
26   Angeles, California. His parents separated when  
27   he was about 13 years old, being raised

1 exclusively by his mother. His father died in  
2 1986 of unknown causes. He dropped out of  
3 school in the tenth grade and began  
4 experimenting with drugs, PCP and alcohol. He  
5 was employed as a shipping clerk and worked fast  
6 food. He was married to the former Monica  
7 Jaramilla, J-A-R-A-M-I-L-L-A, in Los Angeles  
8 County Jail though they have been divorced now  
9 for a long time. After reading your juvenile  
10 record do you have any comments or questions  
11 about your juvenile history?

12 **INMATE PALACIOS:** No, no.

13 **PRESIDING COMMISSIONER SAWYER:** It seems  
14 to kind of come '79, '80, '80, '80, '81, '81,  
15 one thing after another.

16 **INMATE PALACIOS:** Yeah, I was a kid. I  
17 was a kid growing up being a follower. That's  
18 what we did. We ran around and got drunk and  
19 stealing, you know. That's what we did. I was  
20 just a misfit child.

21 **PRESIDING COMMISSIONER SAWYER:** In that  
22 arrest in 1980. How old were you in '80? You  
23 were born in 19 --

24 **INMATE PALACIOS:** Sixteen.

25 **PRESIDING COMMISSIONER SAWYER:** Sixteen.  
26 Did you have a driver's license?

27 **INMATE PALACIOS:** No. I wasn't actually

1 the driver, I was a passenger. The hit and run  
2 occurred. I think I have it. I was actually a  
3 passenger. A hit and run occurred. We got in  
4 an accident, we all jumped out, we ran. The  
5 driver stood there and took responsibility for  
6 his driving. But we were kids, we took off.  
7 And later on -- A police officer seen it. He  
8 happened to see it and he pursued us and he  
9 arrested us. But I wasn't the driver.

10 **PRESIDING COMMISSIONER SAWYER:** Okay.

11 Was the car stolen?

12 **INMATE PALACIOS:** No. It belonged to the  
13 driver.

14 **PRESIDING COMMISSIONER SAWYER:** The  
15 driver have a license?

16 **INMATE PALACIOS:** I'm not sure.

17 **PRESIDING COMMISSIONER SAWYER:** What kind  
18 of injuries did the people suffer that he hit?

19 **INMATE PALACIOS:** He broke a leg, he  
20 broke his legs. I don't know.

21 **PRESIDING COMMISSIONER SAWYER:** Did he  
22 get time for that?

23 **INMATE PALACIOS:** I have no idea.

24 **PRESIDING COMMISSIONER SAWYER:** Did you  
25 (inaudible)?

26 **INMATE PALACIOS:** No, I don't think it  
27 was.

1           **PRESIDING COMMISSIONER SAWYER:** Tell me  
2 about the minor in possession. What kind of  
3 alcohol did you have?

4           **INMATE PALACIOS:** Just beer. We were  
5 drinking, just drinking in public.

6           **PRESIDING COMMISSIONER SAWYER:** And  
7 that's 16 years of age too.

8           **INMATE PALACIOS:** Uh-huh.

9           **PRESIDING COMMISSIONER SAWYER:** And the  
10 petty theft, what was that? What did you steal?

11           **INMATE PALACIOS:** I think it was some  
12 shoe shine, shoe shine.

13           **PRESIDING COMMISSIONER SAWYER:** Shoe  
14 shine?

15           **INMATE PALACIOS:** Yeah, out of a market.

16           **PRESIDING COMMISSIONER SAWYER:** Didn't  
17 have any money?

18           **INMATE PALACIOS:** I could get it free. I  
19 tried to get it free.

20           **PRESIDING COMMISSIONER SAWYER:** Tried to  
21 get it free, okay. So that was shine for your  
22 shoes?

23           **INMATE PALACIOS:** Yeah, shine for my  
24 shoes.

25           **PRESIDING COMMISSIONER SAWYER:** Pretty  
26 good shiny shoes back then?

27           **INMATE PALACIOS:** Back then, yeah I

1 guess. I tried to keep them shiny, keep them  
2 clean.

3 **PRESIDING COMMISSIONER SAWYER:** Kids  
4 today don't know how to shine shoes.

5 **ATTORNEY TARDIFF:** Or tie shoelaces.

6 **PRESIDING COMMISSIONER SAWYER:** Yeah. Or  
7 drive stick shifts. Then in 1981 when you were  
8 17 or so you got a drunk in public, 637(f). How  
9 drunk were you?

10 **INMATE PALACIOS:** Drunk enough to have  
11 them arrest me.

12 **PRESIDING COMMISSIONER SAWYER:** Were you  
13 belligerent too?

14 **INMATE PALACIOS:** Belligerent, I don't  
15 think I was.

16 **PRESIDING COMMISSIONER SAWYER:** You don't  
17 remember?

18 **INMATE PALACIOS:** The '81. I know at  
19 that time we were in a residence neighborhood.  
20 So we got loud, people complained and they came  
21 and arrested us.

22 **PRESIDING COMMISSIONER SAWYER:** Hanging  
23 out being rowdy? Okay. It says in here under  
24 your personal factors that your father was  
25 killed -- died in 1986. Do you know what he  
26 died of?

27 **INMATE PALACIOS:** Well he was killed. He

1 was shot in the chest in '86, December 13th. I  
2 think he was being robbed, trying to be robbed,  
3 and he wouldn't give them his money so they shot  
4 him.

5 **PRESIDING COMMISSIONER SAWYER:** And that  
6 was shortly after you got (inaudible).

7 **INMATE PALACIOS:** Right.

8 **PRESIDING COMMISSIONER SAWYER:** Did that  
9 have an impact you, when your father died?

10 **INMATE PALACIOS:** Yes, greatly, yeah. I  
11 might have not -- I mean, I was probably  
12 separating for awhile but, I mean, I grew up  
13 with, you know. Since I was a kid we watched  
14 ball games, we watched soccer together. So when  
15 I lost him it did have an impact.

16 **PRESIDING COMMISSIONER SAWYER:** Is that  
17 what you mean in here about -- In your statement  
18 -- And I know you don't want to talk about this  
19 and you don't have to, but I'm trying to get  
20 some insight from you.

21 **INMATE PALACIOS:** Right.

22 **PRESIDING COMMISSIONER SAWYER:** So you  
23 lost your dad. And just before that, before you  
24 lost your dad, you took another life. And you  
25 expressed that words cannot say how to express  
26 the sorrow. You impacted another family.  
27 (Inaudible) Eddie.

1           **INMATE PALACIOS:** That was prior to my  
2 father's death.

3           **ATTORNEY TARDIFF:** No, but he's asking  
4 you how you could relate to that.

5           **PRESIDING COMMISSIONER SAWYER:** I'm  
6 looking at your insight. Here you killed Eddie  
7 then your father was killed.

8           **INMATE PALACIOS:** Right.

9           **PRESIDING COMMISSIONER SAWYER:** Could you  
10 then empathize --

11           **INMATE PALACIOS:** Absolutely, absolutely.

12           **PRESIDING COMMISSIONER SAWYER:** Empathize  
13 with the family of the victim?

14           **INMATE PALACIOS:** Absolutely I could. I  
15 took Impact and I remember one week that two  
16 mothers came to speak to us. They talked about  
17 how they lost their children. I mean, and I  
18 seen it was through gang violence. And I seen  
19 that, you know, while they were telling us this  
20 story that they were holding back tears and  
21 crying and holding back their tears and I just  
22 realized. I mean, it hit me right then that  
23 that was Eddie's mother, that was Eddie's  
24 mother, I could see Eddie's mother. That image  
25 plus when my father passed away. So I know the  
26 impact my actions had towards people and I know  
27 how I feel. You know, it was tragic and it's

1 something I won't forget.

2           **PRESIDING COMMISSIONER SAWYER:** Are you  
3 called Eddie at all or Edward?

4           **INMATE PALACIOS:** Eddie.

5           **PRESIDING COMMISSIONER SAWYER:** Eddie.

6           **INMATE PALACIOS:** Yes.

7           **PRESIDING COMMISSIONER SAWYER:** You're  
8 called Eddie too?

9           **INMATE PALACIOS:** Yeah.

10           **PRESIDING COMMISSIONER SAWYER:** And your  
11 victim was also named Eddie.

12           **INMATE PALACIOS:** Yes he was.

13           **PRESIDING COMMISSIONER SAWYER:** So you  
14 kind of became one and the same didn't you?

15           **INMATE PALACIOS:** Yes, he'll be part of  
16 my life the rest of my life.

17           **PRESIDING COMMISSIONER SAWYER:** Why do  
18 they call you Clown?

19           **INMATE PALACIOS:** That's a long story.

20           **PRESIDING COMMISSIONER SAWYER:** Can you  
21 make it brief?

22           **INMATE PALACIOS:** Well, when I was  
23 growing up my brother was called Payaso, Clown  
24 in Spanish. And when I was growing up I looked  
25 up to this guy. And as I was growing up,  
26 everybody realizing that I was his younger  
27 brother, so they began to call me Little Payaso,

1 Little Clown. So as I grew up that name stuck  
2 to me. And today I realize that that's not even  
3 who I am. I'm no comedian, you know. But I  
4 lived the life that I was expected to, you know.  
5 It was like --

6 **PRESIDING COMMISSIONER SAWYER:** You were  
7 expected by your brothers to be a clown?

8 **INMATE PALACIOS:** My brother, by my  
9 community. I mean, where I grew up,  
10 unfortunately there was a subculture that  
11 existed.

12 **PRESIDING COMMISSIONER SAWYER:** Okay.  
13 Did you say code or culture?

14 **INMATE PALACIOS:** Culture.

15 **PRESIDING COMMISSIONER SAWYER:** Culture.

16 **INMATE PALACIOS:** A culture that existed.  
17 You know, it was a gang lifestyle. I mean, as  
18 we grew up we were expected to join, to be part  
19 of that culture. You know, I mean, gangs, they  
20 don't have any -- Gangs, they don't care what  
21 ethnicity you are, your age or your race. I  
22 mean, whoever is available for them they'd  
23 accept. And I just grew up in that environment  
24 and it was like I had to participate. That was  
25 just expected of me because of the influence of  
26 my brother.

27 **PRESIDING COMMISSIONER SAWYER:** It says

1 you're the eighth of nine children.

2 INMATE PALACIOS: Yes.

3 PRESIDING COMMISSIONER SAWYER: Did you  
4 have sisters too?

5 INMATE PALACIOS: Yes.

6 PRESIDING COMMISSIONER SAWYER: Were they  
7 gang members?

8 INMATE PALACIOS: No.

9 PRESIDING COMMISSIONER SAWYER: What  
10 happened there?

11 INMATE PALACIOS: Well, because I guess  
12 my brother was being a male, and I'm being male  
13 right under him, so I hung out in the places he  
14 did. My sisters, they hung out in different  
15 spots so they really -- You know, we went to the  
16 same school and they knew everything, you know.  
17 But as far as -- There was no gang, female  
18 gangs. Back then the females weren't really too  
19 much accepted to be part of the gang. It was  
20 more male-dominated.

21 PRESIDING COMMISSIONER SAWYER: More  
22 machismo.

23 INMATE PALACIOS: Exactly.

24 PRESIDING COMMISSIONER SAWYER: Now tell  
25 me about your brothers. Are they still alive?

26 INMATE PALACIOS: Yes, all my brothers  
27 are alive. My brother, fortunately, he got

1 married. He got married like at 20 years old  
2 and he's living his life out there.

3 **PRESIDING COMMISSIONER SAWYER:** And are  
4 your brothers still active in gangs?

5 **INMATE PALACIOS:** No, no. I just had one  
6 brother who was, that I always looked up to. He  
7 was directly older than me with two sisters in-  
8 between. But the other brothers they never,  
9 they never were involved. But they were already  
10 older. They were like the oldest in the family  
11 so it was like I really didn't bond with them  
12 too much. Because they were older and they had  
13 their girlfriends and they lived their life.  
14 But I think my biggest influence was my brother,  
15 the one that's right above me. But they're all  
16 living out there, they have their families,  
17 married.

18 **PRESIDING COMMISSIONER SAWYER:** Have you  
19 gone through any kind of debriefing process?

20 **INMATE PALACIOS:** No.

21 **PRESIDING COMMISSIONER SAWYER:** From the  
22 gang?

23 **INMATE PALACIOS:** No.

24 **PRESIDING COMMISSIONER SAWYER:** Are you a  
25 member of any gang inside?

26 **INMATE PALACIOS:** No, no gangs.

27 **PRESIDING COMMISSIONER SAWYER:** No

1 affiliations at all?

2 **INMATE PALACIOS:** No affiliations.

3 **PRESIDING COMMISSIONER SAWYER:** Do you  
4 still hang with the Clown moniker?

5 **INMATE PALACIOS:** No.

6 **PRESIDING COMMISSIONER SAWYER:** Nobody  
7 calls you Clown here?

8 **INMATE PALACIOS:** Yes, some people call  
9 me. Of course being in prison people come in,  
10 they know you and they refer to you as that.  
11 But that's like right on the side. But being my  
12 every day going to the job, but at my work they  
13 call me Eddie. I prefer them to call me Eddie.

14 **PRESIDING COMMISSIONER SAWYER:** Okay.  
15 Let's talk about your future plans, residence.  
16 You have a standing offer to live with your  
17 sister Reyna Palacios. And I received a letter  
18 today from Veronica Trujillo, she's your niece.

19 **INMATE PALACIOS:** Yes.

20 **PRESIDING COMMISSIONER SAWYER:** She lives  
21 in Ontario, California. Help him gain resources  
22 to establish his economic stability. You're  
23 welcome to stay with her. Unfortunately,  
24 Ontario is in San Bernardino County or  
25 Riverside. Riverside County?

26 **ATTORNEY TARDIFF:** Which one, which city?

27 **PRESIDING COMMISSIONER SAWYER:** Ontario.

1           **ATTORNEY TARDIFF:** San Bernardino I  
2 think.

3           **PRESIDING COMMISSIONER SAWYER:**  
4 (Inaudible).

5           **ATTORNEY TARDIFF:** Yeah.

6           **PRESIDING COMMISSIONER SAWYER:** It's not  
7 LA.

8           **ATTORNEY TARDIFF:** No.

9           **PRESIDING COMMISSIONER SAWYER:** Okay.  
10 But she's there to support you. Also I have a  
11 letter from your sister Reyna Palacios in  
12 Southgate, which is in LA County. And your  
13 sister Virginia Calderone, C-A-L-D-E-R-O-N-E,  
14 Paramount, California. So you have got two  
15 sisters that will take you in.

16           **INMATE PALACIOS:** Yes. I have a letter  
17 from my sister Virginia also.

18           **PRESIDING COMMISSIONER SAWYER:** Okay.  
19 Your sister Virginia. Another sister?

20           **INMATE PALACIOS:** Yes.

21           **PRESIDING COMMISSIONER SAWYER:** To whom  
22 it may concern. I am writing this letter on  
23 behalf of my brother Eduardo.

24           **INMATE PALACIOS:** Yes, she calls me by my  
25 Spanish name.

26           **PRESIDING COMMISSIONER SAWYER:** Who is an  
27 inmate. This letter is to verify that Edward

1 Palacios can come live with me. And she's in  
2 the same neighborhood as -- No, wait a minute.  
3 She lives with -- This is Virginia?

4 **INMATE PALACIOS:** Right.

5 **PRESIDING COMMISSIONER SAWYER:** Okay,  
6 this is verifying what I (overlapping).

7 **INMATE PALACIOS:** Paramount, right.  
8 Paramount, California.

9 **PRESIDING COMMISSIONER SAWYER:**  
10 Paramount, okay. And this is dated 7/12/05,  
11 very good. I noticed on the previous Board  
12 Hearing they said they needed you to firm up  
13 some parole plans.

14 **INMATE PALACIOS:** Yes. My letters hadn't  
15 arrived yet. But I have those too. They  
16 arrived, I've got them now.

17 **PRESIDING COMMISSIONER SAWYER:** Are they  
18 the same letters?

19 **INMATE PALACIOS:** The same people.

20 **PRESIDING COMMISSIONER SAWYER:** There are  
21 no changes here?

22 **INMATE PALACIOS:** No, no.

23 **PRESIDING COMMISSIONER SAWYER:** Okay. So  
24 this is consistent. Employment. Palacios has  
25 four years of experience working as an optician  
26 at the PIA optics lab in San Diego at Donovan.

27 **INMATE PALACIOS:** Right.

1           **PRESIDING COMMISSIONER SAWYER:** You also  
2 worked as a certified final inspector and helped  
3 to train other inmates in optics. Completed a  
4 vocational printing program, which includes  
5 extensive work in the graphics arts field. His  
6 education progress report under 6/00 states:  
7 Palacios is skilled as a large press operator.

8           **INMATE PALACIOS:** Right.

9           **PRESIDING COMMISSIONER SAWYER:** Is that  
10 still good even though it's five years old?

11          **INMATE PALACIOS:** Yes, yes.

12          **PRESIDING COMMISSIONER SAWYER:** Okay.  
13 Have you done any more graphic arts or printing  
14 since the year 2000?

15          **INMATE PALACIOS:** No, no. Right now I'm  
16 in the PIA furniture factory.

17          **PRESIDING COMMISSIONER SAWYER:**  
18 Furniture?

19          **INMATE PALACIOS:** Yes.

20          **PRESIDING COMMISSIONER SAWYER:** Okay.  
21 Commissioner Keenan in a moment will take care  
22 of some of those things. Assessment:  
23 Mr. Palacios has two certified vocational skills  
24 that he can apply for employment upon release.  
25 He has offers of support in living  
26 accommodations with two different sisters.

27          **ATTORNEY TARDIFF:** Is the tape still

1 going?

2           **DEPUTY COMMISSIONER KEENAN:** We're still  
3 on record.

4           **PRESIDING COMMISSIONER SAWYER:** A little  
5 power fluctuation there. We have also noted in  
6 the Central File that it says you have support  
7 from family members. Palacios states that he  
8 will have updated letters, which he has come in  
9 with an updated letter, two updated letters. I  
10 also have a letter in response to the 3042  
11 notices that we send out to every agency.  
12 They're sent out to the court, to the sheriff's  
13 department, to any agency that was involved, the  
14 probation department. Any agency that was  
15 involved with your crime. And we have a letter  
16 here that was in the C file. It was received  
17 February 28th of 2005. They talk about -- It's  
18 from the County of Los Angeles Sheriff's  
19 Department. They talk about the crime. They  
20 talk about the death. Based on the facts of the  
21 case it's the opinion of this department that  
22 parole of Inmate Palacios is inappropriate and  
23 should be denied. It's signed by Raymond H.  
24 Peavy, P-E-A-V-Y, Captain Homicide Bureau.  
25 That's in your C file in response to a notice.  
26 Do you have any other letters? I'll give you an  
27 opportunity at this point to talk about -- Tell

1 me about your vocation. I read somewhere, it  
2 wasn't in the summary, but I read somewhere  
3 where you have some sort of certificate as an  
4 optician.

5 **INMATE PALACIOS:** Right, American Board  
6 of Optics. When I was there I was actually  
7 working in the production side. The school  
8 where they taught was in a different yard. But  
9 I would make the trip to get the books and teach  
10 myself. Along with -- There was about five of  
11 us, you know. We had a little group and we  
12 taught ourselves. So, you know, we did all the  
13 studying. The day they came for the test we  
14 were let go to the opposite yard and we took the  
15 test there. But it's the certification for the  
16 American Board of Optics. I have a license to  
17 dispense lenses, manufacture, final inspect  
18 them.

19 **PRESIDING COMMISSIONER SAWYER:** Do we  
20 have that certificate?

21 **INMATE PALACIOS:** It should be in my C  
22 file.

23 **PRESIDING COMMISSIONER SAWYER:** Okay.

24 **INMATE PALACIOS:** I don't have it here.

25 **PRESIDING COMMISSIONER SAWYER:** Do you  
26 have a copy of it? Did you see it?

27 **DEPUTY COMMISSIONER KEENAN:** I saw a

1 reference to it in past Board Reports and the  
2 current Board Report. I haven't seen the  
3 certificate yet. I suspect it's in there but I  
4 haven't looked at the certificates.

5 **INMATE PALACIOS:** It should be in there.

6 **PRESIDING COMMISSIONER SAWYER:** And you  
7 took the test just one time?

8 **INMATE PALACIOS:** Yeah, one time.

9 **PRESIDING COMMISSIONER SAWYER:** So this  
10 gives you, this puts you at the same level as  
11 the Jones Optics down the street that dispenses  
12 lenses?

13 **INMATE PALACIOS:** Lenscrafters, all those  
14 guys. The same work they do, I'm able to do  
15 that. I could -- I could make the lenses, cut  
16 them out, mount them on your lens, check the  
17 power and dispense them to the client.

18 **PRESIDING COMMISSIONER SAWYER:** Do the  
19 work (overlapping).

20 **ATTORNEY TARDIFF:** He may need some new  
21 work glasses, I think.

22 **PRESIDING COMMISSIONER SAWYER:** You  
23 should be commended for that.

24 **INMATE PALACIOS:** Thank you.

25 **PRESIDING COMMISSIONER SAWYER:** Post-  
26 conviction factors. Deputy Commissioner Keenan  
27 will go into the post-conviction factors.

1           **DEPUTY COMMISSIONER KEENAN:** Okay.

2     Mr. Palacios, I see you were received back on  
3     3/31/86. You have a placement score of 19. It  
4     was a classification score of zero as far as  
5     4/6/93. The last hearing was on 11/5/03, that  
6     was a stipulated one year denial. We  
7     recommended you remain disciplinary-free, which  
8     you have, and participate in self-help and  
9     therapy, and I'll get into some more detail on  
10    that as we go forward here. In terms of your  
11    disciplinary history you have no 128(a)s, you  
12    have one 115. That was back on 12/10/90, an  
13    administrative 115 for theft of state food.  
14    Everything sound right so far?

15           **INMATE PALACIOS:** Yes.

16           **DEPUTY COMMISSIONER KEENAN:** Okay. All  
17    right. And I'll focus on the Board Report here  
18    prepared for this hearing by K. Hilliard,  
19    H-I-L-L-I-A-R-D, Correctional Counselor I, dated  
20    9/29/04. And in the section on post-conviction  
21    factors the counselor notes, as you have already  
22    indicated, that you're assigned to PIA furniture  
23    factory. There was a work supervisor report  
24    indicating that you exhibit good work habits and  
25    need very little supervision. You received  
26    above average and satisfactory ratings. And in  
27    the section under therapy and self-help

1 activities it says: Since the last hearing  
2 Palacios has continued to participate in  
3 Alcoholics and Narcotics Anonymous. He also  
4 participated in a three hour video discussion in  
5 the Inmate Employability Program learning how to  
6 identify and control antisocial behavior and how  
7 to correctly seek employment opportunities. And  
8 he confirms what I just mentioned already about  
9 the disciplinary history. Okay. And he also  
10 notes in the report you have certified  
11 vocational skills. Optician and large press  
12 operator. That's part of graphic arts, right?

13 **INMATE PALACIOS:** Right.

14 **DEPUTY COMMISSIONER KEENAN:** Graphic  
15 arts, large press operator.

16 **INMATE PALACIOS:** Right.

17 **DEPUTY COMMISSIONER KEENAN:** And I  
18 believe I saw a notation somewhere in the C file  
19 for completion on that.

20 **INMATE PALACIOS:** Right.

21 **DEPUTY COMMISSIONER KEENAN:** You've  
22 completed both?

23 **INMATE PALACIOS:** Both.

24 **DEPUTY COMMISSIONER KEENAN:** Okay. This  
25 is what it says in the educational progress  
26 report back in 6/30 of '00. This is from  
27 Instructor K. Eng.

1           **INMATE PALACIOS:** Yes.

2           **DEPUTY COMMISSIONER KEENAN:** E-N-G, okay.

3 Completed the program. It says, he is skilled  
4 and employable as a large press operator. He  
5 has received all high school credits with a  
6 grade of A. Okay. I'm not entirely sure what  
7 that means? Have you finished high school?

8           **INMATE PALACIOS:** No, no.

9           **DEPUTY COMMISSIONER KEENAN:** Where are  
10 you at on that? Are you trying to work toward a  
11 GED or?

12           **INMATE PALACIOS:** I've completed my GED.

13           **DEPUTY COMMISSIONER KEENAN:** Okay, that's  
14 right. I thought I saw something about a GED in  
15 there, okay. All right. And I also see the  
16 chrono from back in '93 about you being a  
17 certified optician it says.

18           **INMATE PALACIOS:** Right.

19           **DEPUTY COMMISSIONER KEENAN:** Okay. Okay.

20 And the correctional counselor recommends that  
21 you continue to remain disciplinary-free and  
22 participate in self-help when it's available  
23 prior to your release. And the attached post-  
24 conviction progress reports are telling me  
25 basically the same thing. Maybe a little more  
26 detail on some of it. It says you successfully  
27 completed the first series of 15 educational

1 video reports and should be commended for his  
2 outstanding work. Did you finish that? It --

3 **ATTORNEY TARDIFF:** It's a --

4 **DEPUTY COMMISSIONER KEENAN:** Excuse me.

5 **ATTORNEY TARDIFF:** It's a series of video  
6 that they get through the TV, right? And it's  
7 just ongoing.

8 **DEPUTY COMMISSIONER KEENAN:** Is that part  
9 of that Inmate Employability Program?

10 **ATTORNEY TARDIFF:** No. It's more  
11 educational.

12 **DEPUTY COMMISSIONER KEENAN:** Okay.

13 **ATTORNEY TARDIFF:** Right?

14 **INMATE PALACIOS:** Right.

15 **DEPUTY COMMISSIONER KEENAN:** All right.

16 I also went back through some of the past Board  
17 Reports and I saw that you have worked as a cook  
18 in culinary, participated in anger management,  
19 were participating in the Impact program. Did  
20 you finish that?

21 **INMATE PALACIOS:** Yes.

22 **DEPUTY COMMISSIONER KEENAN:** Okay. It  
23 says you planned to get involved in vocational  
24 computer repair. Did you ever do that?

25 **INMATE PALACIOS:** No, they shut it down.  
26 It got shut down.

27 **DEPUTY COMMISSIONER KEENAN:** Okay. And

1 it does mention your GED. You passed that back  
2 in '89. It indicates here you completed a 26  
3 hour Alternative to Violence program. That was  
4 back in '89. Let's see. You also completed  
5 Breaking Barriers and mention again of your work  
6 in AA. I think I saw some notations like in  
7 psychological evaluation I'll get to in a minute  
8 about you being in AA since '94. That's  
9 incorrect, I see you were in it since '90.

10 **INMATE PALACIOS:** I've been going  
11 constantly since '94 since I've been here in  
12 Soledad. But I've going way back.

13 **DEPUTY COMMISSIONER KEENAN:** Since '90  
14 from what I can tell in past Board Reports.

15 **INMATE PALACIOS:** It might be earlier  
16 than that.

17 **DEPUTY COMMISSIONER KEENAN:** It might be  
18 earlier? Okay. The first one I think I noticed  
19 was '90. Okay. Am I missing anything?  
20 Everything sounds accurate so far?

21 **INMATE PALACIOS:** Yes.

22 **ATTORNEY TARDIFF:** Well he's done Crim-  
23 Anon, which is a correspondence course. It has  
24 several different areas.

25 **DEPUTY COMMISSIONER KEENAN:** You know, I  
26 did see some extra things in the psych report.

27 **ATTORNEY TARDIFF:** And also one of these

1 psychs works with the inmates and they read a  
2 self-help book and then they write a report and  
3 discuss it. That's I think basically been  
4 implemented because of the lack of self-help  
5 that is available. And there's very few inmates  
6 that actually participate in that but  
7 Mr. Palacios did do that.

8 **DEPUTY COMMISSIONER KEENAN:** Okay. And  
9 actually I saw also in the psych report, and  
10 I'll get to that, something about biblical  
11 correspondence courses.

12 **ATTORNEY TARDIFF:** Yes.

13 **INMATE PALACIOS:** Yes.

14 **DEPUTY COMMISSIONER KEENAN:** And are you  
15 still doing that?

16 **INMATE PALACIOS:** Yes.

17 **DEPUTY COMMISSIONER KEENAN:** Just sort of  
18 an ongoing?

19 **INMATE PALACIOS:** Yeah, ongoing.

20 **DEPUTY COMMISSIONER KEENAN:** All right.  
21 All right. And I wasn't sure I heard everything  
22 you had to say about gangs. You have not  
23 debriefed?

24 **INMATE PALACIOS:** No.

25 **ATTORNEY TARDIFF:** You don't debrief  
26 unless you're part of a prison gang.

27 **INMATE PALACIOS:** Right.

1           **DEPUTY COMMISSIONER KEENAN:** Okay.

2           **ATTORNEY TARDIFF:** If you're in a gang on  
3 the streets there is no debriefing process.

4           **DEPUTY COMMISSIONER KEENAN:** Okay. And  
5 you were in what gang on the streets?

6           **INMATE PALACIOS:** Little Watts.

7           **DEPUTY COMMISSIONER KEENAN:** Okay, all  
8 right. And how have you managed to avoid gang  
9 involvement since you've been here? Since  
10 you've been with CDC.

11          **INMATE PALACIOS:** I don't deal with it  
12 anymore. As far as the gangs, I don't believe  
13 in that anymore. I'm real conscious. I'm real  
14 conscious and I try to look to the future. I  
15 see a group of people hanging out, I'll go the  
16 other way. Even when I play sports. If I feel  
17 that people that I don't want to be next to are  
18 around I'll take off. I mean, I'll just do it  
19 some other time. I try to avoid -- At all costs  
20 I try to avoid gangs. I don't want nothing to  
21 do with it. I understand that that was part of  
22 my problem, you know, being in gangs. And I  
23 made a decision early that I had to get my life  
24 in order. So I've been staying away from gangs,  
25 I don't do drugs.

26          **DEPUTY COMMISSIONER KEENAN:** Is it  
27 difficult to avoid the gang involvement?

1           **INMATE PALACIOS:** Well right here, you  
2 know, you live in a negative. I mean, this  
3 place is packed. But I take the steps. I take  
4 the steps to stay away from it.

5           **DEPUTY COMMISSIONER KEENAN:** All right.  
6 I'm going to focus on the psychological  
7 evaluation for this hearing prepared by --  
8 Actually before I get to that I should also  
9 mention there was a more recent chrono, 6/30/05,  
10 again showing your participation in AA. That's  
11 where I saw it. It says that you went back to  
12 '94 doing that but it's further back I've seen.  
13 It was at least '90. All right. And the  
14 psychological evaluation was prepared by Jay  
15 Steward, S-T-E-W-A-R-D, clinical psychologist.  
16 And he goes over your educational history and  
17 notes that you have been very proactive and  
18 responsible in pursuing educational programs and  
19 self-improvement opportunities available in  
20 prison.

21           "He's completed Anger Management,  
22 Dr. Gleason's Book Club where he  
23 reads one self-help book  
24 integrating concepts and self-  
25 application by completing a  
26 report, and Creative Options in  
27 which he just sent in his last

1           lesson regarding anger management.  
2           He has received certifications for  
3           FEMA in Emergency and  
4           Preparedness, in Animals in  
5           Disasters and in Community  
6           Planning. He also completed a  
7           video reporting class sponsored by  
8           CTF's educational department.  
9           Inmate Palacios also initiated  
10          corresponding with and becoming  
11          involved in Crim-Anon, a program  
12          offered by L. Ron Hubbard to  
13          assist inmates in understanding  
14          themselves and leading more  
15          productive lives. In addition  
16          Inmate Palacios initiated contact  
17          with a biblical correspondence  
18          school receiving a certificate in  
19          his studies in 2/21/04."

20       Okay. Then it goes on and talks about your  
21       marital history, your employment and income  
22       history and mentions your optician certification  
23       and that you plan to find work in that area when  
24       you're paroled. It mentions also your three  
25       years in offset printing and currently studying  
26       furniture construction and assembly. Under  
27       substance abuse he notes that you have not used

1 alcohol or illicit drugs since your  
2 incarceration and you have regularly attended  
3 Alcoholics Anonymous for the last ten years.  
4 And as already indicated you've attended longer  
5 than that. Okay, under current mental status  
6 treatment needs. He didn't notice any problems.  
7 He did note that you had excellent insight into  
8 the committing offense and "genuinely deeply  
9 regrets the death of the victim, who he referred  
10 to as Eddie. His eyes turned red and about to  
11 water as he discussed the senseless nature of  
12 the crime. Inmate Palacios has very good  
13 judgment and very good impulse control. This  
14 truly does not appear to be the same man who was  
15 incarcerated 20 years ago." Then under  
16 diagnostic impressions: Axis I, polysubstance  
17 abuse in institutional remission; Axis II, none  
18 noted at this time; Axis V, he notes a GAF of  
19 95, global assessment functioning. Review of  
20 the life crime indicates your description of the  
21 crime is consistent with the facts in the  
22 probation officer's report. It indicates you  
23 are genuinely remorseful for Eddie's death,  
24 wishes he could change what happened. Some  
25 inmates give lip service to grief or regret and  
26 others are different. However, Inmate Palacios  
27 truly understands the scope of his actions and

1 tragic consequences. Inmate Palacios' grief and  
2 remorse is honest and sincere.

3 (The tape was turned over.)

4 **DEPUTY COMMISSIONER KEENAN:** Back on  
5 record, side two. Okay. There's a section  
6 under assessment of dangerousness and he notes  
7 here, "Potential for violence within a  
8 controlled setting is very much significantly  
9 below average relative to the inmate  
10 population." He goes on to say:

11 "If released to the community  
12 Inmate Palacios' dangerousness is  
13 considered to be average to below  
14 average relative to the average  
15 citizen. And also the primary  
16 risk factor for Inmate Palacios  
17 would be substance abuse, which he  
18 has completely abstained from in  
19 the last 20 years. Further, he  
20 has attended AA seriously in the  
21 last ten years."

22 As indicated it would be longer than ten years.

23 "For all intents and purpose one  
24 may conclude Inmate Palacios has  
25 abandoned the pursuit or even the  
26 desire for illegal drugs or  
27 alcohol. It is very unlikely he

1           would be come involved in  
2           activities using drugs and  
3           alcohol."

4   Clinical observations, comments and  
5   recommendations:

6           "Inmate Palacios is competent and  
7           responsible for his behavior. He  
8           has the capacity to abide by  
9           institutional standards and has  
10          generally done so during his  
11          incarceration. Inmate Palacios  
12          does not have a mental disorder  
13          which would necessitate treatment  
14          either during his incarceration or  
15          following parole. It appears very  
16          unlikely Inmate Palacios would  
17          ever become involved in using  
18          illegal drugs or alcohol.  
19          However, only for the sake of  
20          parole, exercising his  
21          responsibility, some abstinence  
22          monitoring could be conducted.  
23          Inmate Palacios has done very well  
24          by being proactive to pursue self-  
25          help groups, self-help reading  
26          material and in acquiring skills  
27          and licenses to be a productive

1           and meaningful member of society.  
2           Since he has made such good use of  
3           the support of AA it would benefit  
4           him to continue attending AA when  
5           paroled. After 20 years of  
6           incarceration this self-motivated,  
7           mature, 40 year old man appears to  
8           have a high likelihood of  
9           success."

10       Is there anything you would like to add to that  
11       report or comment on?

12               **INMATE PALACIOS:** You mentioned that I  
13       had sent out my last lesson for Creative  
14       Options. I got the certificate for it.

15               **DEPUTY COMMISSIONER KEENAN:** There was  
16       mention, he mentioned something about continuing  
17       with AA and you provided us a list. These are  
18       some programs.

19               **ATTORNEY TARDIFF:** Right, where meetings  
20       are held on the outside.

21               **DEPUTY COMMISSIONER KEENAN:** For AA?

22               **INMATE PALACIOS:** Right.

23               **DEPUTY COMMISSIONER KEENAN:** Okay. And  
24       that's something you do plan to follow-up on  
25       when you get out?

26               **INMATE PALACIOS:** Yes.

27               **DEPUTY COMMISSIONER KEENAN:** Okay. I

1 have a certificate of completion here showing  
2 successfully completed the correspondence course  
3 on anger management, Creative Options. That was  
4 June 24 of '05. Signed by Sister Marcella  
5 Slaughter (phonetic), Coordinator. Okay. Thank  
6 you. Okay. I'm not sure if this is something  
7 you wanted to talk about or not. The report  
8 talks about remorse, how we feels. Is that  
9 something he wanted to address or does that  
10 touch too much on the life crime?

11 **ATTORNEY TARDIFF:** Sure, he'll talk  
12 about --

13 **INMATE PALACIOS:** Yes I will.

14 **DEPUTY COMMISSIONER KEENAN:** Go ahead.

15 **INMATE PALACIOS:** Well I understand, you  
16 know. I understand how I began that life that  
17 led me to my actions. I understand the impact  
18 it had. I mentioned that my father was killed  
19 so I know the pain that people have when you  
20 lose a loved one. So I understand the impact I  
21 had on Eddie's mother. And it's something that  
22 will always stay with me, you know.

23 **DEPUTY COMMISSIONER KEENAN:** Okay.

24 **INMATE PALACIOS:** I have proven --

25 **DEPUTY COMMISSIONER KEENAN:** I think you  
26 mentioned earlier that you understand the impact  
27 but how do you feel about what you did?

1           **INMATE PALACIOS:** It's like -- It's hard  
2 to describe it. It's something that I regret.  
3 That I know that I hurt a lot of people. See  
4 it's just like -- I understand that I hurt a lot  
5 of people. Eddie wasn't only my victim. His  
6 mother, his father were hurt because of my  
7 actions. My family. My community. Because I  
8 realize now that that's the community that my  
9 brothers and sisters are raising my nephews and  
10 nieces in. But, you know, I didn't understand  
11 that. And I know that my actions impact more  
12 than one person.

13           **DEPUTY COMMISSIONER KEENAN:** Okay, all  
14 right. And I also wanted to note, just sort of  
15 scanning back through some of the past  
16 psychological evaluations. The prior evaluation  
17 by Steven Terrini, T-E-R-R-I-N-I, staff  
18 psychologist, he notes if you're released to the  
19 community dangerousness is considered to be no  
20 more than the average relative to the average  
21 citizen. That was on 9/16/98. Going back to  
22 another report by Dr. Terrini of 10/8/97. He  
23 notes violence potential is estimated to be  
24 below average relative to this inmate  
25 population. He notes antisocial personality  
26 disorder improving. Polysubstance abuse in  
27 institutional remission. In '95 the same

1 diagnosis by a different doctor, Bruce Bakeman,  
2 B-A-K-E-M-A-N, clinical psychologist. He notes  
3 you do not have a psychiatric condition which  
4 would benefit from mental health treatment  
5 following release. He says you have shown great  
6 improvement. If released you should be able to  
7 maintain these gains provided he continues to  
8 avoid alcohol and illicit drugs. And going back  
9 to '93. Who was it? Dr. Pesevento, P-E-S-E-V-  
10 E-N-T-O, clinical psychologist. He basically  
11 just indicates there is no change from the prior  
12 evaluations. We have one from S. Falkenstein,  
13 F-A-L-K-E-N-S-T-E-I-N, staff psychiatrist. That  
14 was 1/8/80. I'm sorry, 1/8/92. His violence  
15 potential outside a controlled setting in the  
16 past is considered to have been average and at  
17 present is estimated to be decreased. And the  
18 very first report we had was by W. Sigurdson,  
19 S-I-G-U-R-D-S-O-N, chief psychiatrist. Axis I  
20 there was no acute psychiatric disorder.  
21 Antisocial personality disorder Axis II based on  
22 history. And he notes no need of psychiatric  
23 intervention or treatment. "This young man  
24 committed the offense largely because of his  
25 involvement with mind-altering substances" it  
26 says. All right. And with that I'll turn it  
27 back to the Chairperson.

1           **PRESIDING COMMISSIONER SAWYER:** Thank  
2 you, Commissioner. I just want to note that the  
3 packet of names and addresses for Los Angeles  
4 County deals with everything from the  
5 Contractor's Board to Alcoholics Anonymous to  
6 DMV, EDD. Kind of every resource, I guess.  
7 Where did you get this?

8           **INMATE PALACIOS:** The IEP class we  
9 attend.

10          **PRESIDING COMMISSIONER SAWYER:** IEP means  
11 what?

12          **ATTORNEY TARDIFF:** Inmate Employability.

13          **PRESIDING COMMISSIONER SAWYER:** Have you  
14 contacted any of these people for a potential  
15 job?

16          **INMATE PALACIOS:** Yes I have several  
17 letters that I sent out, résumés, and they sent  
18 me response letters.

19          **PRESIDING COMMISSIONER SAWYER:** Any  
20 commitments?

21          **INMATE PALACIOS:** Well they have some  
22 that they're willing to help me out with any  
23 training, help me find training, job placement.

24          **PRESIDING COMMISSIONER SAWYER:** Okay,  
25 when I say commitments, did anybody say we're  
26 real interested in you becoming a furniture  
27 maker, optician, big press?

1           **INMATE PALACIOS:** Well I planned to --  
2   No, not exactly. But they do give me hope that  
3   they could assist me to find that type of  
4   commitment.

5           **PRESIDING COMMISSIONER SAWYER:** Okay.  
6   This South Bay One Stop Business and Career  
7   Center responded to you. Work Source, you got a  
8   letter of business and careers. So these people  
9   say, when you get out come and see us?

10          **INMATE PALACIOS:** Right.

11          **PRESIDING COMMISSIONER SAWYER:** Is that  
12   what it boils down to?

13          **INMATE PALACIOS:** Yes, yes.

14          **PRESIDING COMMISSIONER SAWYER:** Work  
15   Source, Community Centers Incorporated, Redondo  
16   Beach Parks and Recreation. They will do an  
17   assessment program. Redondo Beach will do an  
18   assessment program and refer you for job search  
19   and vocational training. Did you ever write a  
20   letter to Lenscrafters?

21          **INMATE PALACIOS:** No, not to  
22   Lenscrafters.

23          **PRESIDING COMMISSIONER SAWYER:** Or any of  
24   the other large --

25          **INMATE PALACIOS:** No. I hope to use  
26   that, those avenues right there to get better  
27   prepared. You know, take a fresher-up course,

1 upgrade. Then I plan to go see Lenscrafters, go  
2 to newspapers. Try to get a job at the  
3 newspaper printer, as a printer.

4 **PRESIDING COMMISSIONER SAWYER:** You know  
5 what's happening with the newspaper industry,  
6 don't you?

7 **INMATE PALACIOS:** Well I'm sure it's  
8 being upgraded. So that's why I want to be able  
9 to --

10 **PRESIDING COMMISSIONER SAWYER:** It's  
11 almost upgraded to the point where they don't  
12 need printers anymore.

13 **INMATE PALACIOS:** Is that right? I don't  
14 know. I don't know.

15 **PRESIDING COMMISSIONER SAWYER:** There's  
16 less and less jobs in the newspaper business and  
17 the newspaper business is going downhill because  
18 of the Internet. I just read something recently  
19 on newspaper subscription rates are dropping.  
20 Information is so quick through the Internet  
21 that why wait until tomorrow.

22 **INMATE PALACIOS:** Well, I'm pretty sure  
23 somebody needs some type of flier or something.

24 **ATTORNEY TARDIFF:** Kinko's.

25 **PRESIDING COMMISSIONER SAWYER:** That  
26 would be an excellent place to try.

27 **ATTORNEY TARDIFF:** Yeah.

1           **PRESIDING COMMISSIONER SAWYER:** With  
2     printing experience. Do you have any graphic  
3     arts?

4           **INMATE PALACIOS:** Yeah, I have some  
5     graphic arts.

6           **PRESIDING COMMISSIONER SAWYER:**  
7     Commissioner, did you find, did you run across  
8     any of his chronos on graphic arts? I didn't  
9     hear you mention it because I would have written  
10    it down. I don't mean to put you on the spot.  
11    I've got a couple of other questions.

12          **DEPUTY COMMISSIONER KEENAN:** I believe I  
13    did. Let me --

14          **PRESIDING COMMISSIONER SAWYER:** If you  
15    can check while I ask him a few more questions.  
16    I'm trying to bring all this back together again  
17    here. We've been kind of inundated with a lot  
18    of information in a short period of time as you  
19    can understand. We have the solid, background  
20    core information here and then --

21          **DEPUTY COMMISSIONER KEENAN:** Graphic arts  
22    offset -- It's titled Graphic Arts/Offset  
23    Printing completed.

24          **PRESIDING COMMISSIONER SAWYER:** In what  
25    year?

26          **DEPUTY COMMISSIONER KEENAN:** 6/30/00.

27          **PRESIDING COMMISSIONER SAWYER:** Thank

1 you.

2 **DEPUTY COMMISSIONER KEENAN:** You're  
3 welcome.

4 **PRESIDING COMMISSIONER SAWYER:** You're  
5 good, Commissioner.

6 **DEPUTY COMMISSIONER KEENAN:** Thank you  
7 very much.

8 **PRESIDING COMMISSIONER SAWYER:** I've got  
9 a couple of other questions on the information  
10 I've been just sort of, kind of (inaudible) here  
11 as we've been given new documents. Tell me  
12 about your son, Edward.

13 **INMATE PALACIOS:** My relationship with  
14 him isn't too strong. I lost him, he was one-  
15 and-a-half years old. His mother decided to  
16 take him, you know, and start her life again.  
17 So she went on on herself. I recently came to  
18 find out where he lived by coincidence. My  
19 niece, who happened to go to the same school  
20 that he did, got a yearbook, seen the name. She  
21 asked my, talked to my sister and she recognized  
22 his face right away. This was about three years  
23 ago. So my niece pursues it; goes back to  
24 school to look for him and finds him. He comes  
25 over to my sister's house. And I've been trying  
26 to build a relationship with him since.

27 **PRESIDING COMMISSIONER SAWYER:** Have you

1 spoken to him or written to him?

2 **INMATE PALACIOS:** I write to him like  
3 once a month. Speaking to him is a little bit  
4 more difficult, he's 17 now. So, you know, I  
5 ask him to show up, you know, sometimes he will  
6 and sometimes he don't.

7 **PRESIDING COMMISSIONER SAWYER:** Show up  
8 to visit?

9 **INMATE PALACIOS:** No, to my sister's. Go  
10 to my sister's house so I can talk to him over  
11 the phone.

12 **PRESIDING COMMISSIONER SAWYER:** Does he  
13 write to you?

14 **INMATE PALACIOS:** That boy won't write  
15 nobody. He doesn't write. He just prefers when  
16 I call and he's around I'll talk to him then.

17 **PRESIDING COMMISSIONER SAWYER:** So what's  
18 the information on him? Is he doing well?

19 **INMATE PALACIOS:** Yeah, he's doing well.  
20 Thank God he's doing well.

21 **PRESIDING COMMISSIONER SAWYER:** He's not  
22 gangbanging?

23 **INMATE PALACIOS:** No, no he's not.

24 **PRESIDING COMMISSIONER SAWYER:** Is he  
25 still in the same neighborhood vicinity in the  
26 Paramount area?

27 **INMATE PALACIOS:** Yes, yes.

1           **PRESIDING COMMISSIONER SAWYER:** Is that  
2 where this crime occurred?

3           **INMATE PALACIOS:** No.

4           **PRESIDING COMMISSIONER SAWYER:** That was  
5 in what, Lennox?

6           **INMATE PALACIOS:** Yes, it's farther down  
7 south.

8           **PRESIDING COMMISSIONER SAWYER:** Tell me  
9 about Paramount, tell me about the community if  
10 you were paroled to Paramount. There's a lot of  
11 gangbanging going on there that you know of?

12           **INMATE PALACIOS:** It's 20 years. I'm  
13 sure it's changed.

14           **PRESIDING COMMISSIONER SAWYER:** For the  
15 good or the bad?

16           **INMATE PALACIOS:** Yeah, I'm sure it's  
17 better. I know my sister, she lives right next  
18 to a park so, you know. The school, she tells  
19 me the school is near, the park is near, there's  
20 a gym. She says it's calm. It does have its  
21 times when it's loud, you know, sirens. But she  
22 said it's pretty much pretty good.

23           **PRESIDING COMMISSIONER SAWYER:** Fights?

24           **INMATE PALACIOS:** Fights?

25           **PRESIDING COMMISSIONER SAWYER:** Fights in  
26 the park? Gang fights?

27           **INMATE PALACIOS:** She never mentioned

1 that.

2           **PRESIDING COMMISSIONER SAWYER:** Drugs in  
3 the park?

4           **INMATE PALACIOS:** I'm not sure. The  
5 residence I was hoping to, where I want to  
6 parole to is the one in Southgate because I  
7 remember that was a pretty nice community.

8           **PRESIDING COMMISSIONER SAWYER:** Tell me  
9 about when you were active in athletics.

10          **INMATE PALACIOS:** That again it takes me  
11 to my brother. As I seen him -- I can tell you  
12 an instance when I decided to always follow my  
13 brother. Well, I think I must have been like  
14 eight or nine and I was living in Watts. And  
15 this man brings my -- Well my dad and my mom was  
16 looking for my brother, where is he, where is  
17 he, and he hadn't came from school and this man  
18 comes. It was a black man so he made an  
19 impression right away. And he tells my father  
20 about my brother being athletic and that he took  
21 him from school and took him to play ball. So  
22 from then I guess I just started following the  
23 steps. So now I get into all the sports I can,  
24 you know. He did, I did. And today my knee is  
25 bad because I recently blew out my knee. So I  
26 participate in baseball and softball,  
27 basketball, soccer. Just something to keep me

1 busy. Something to keep me occupied and away  
2 from just hanging out.

3 **PRESIDING COMMISSIONER SAWYER:** However,  
4 there was a problem wasn't there?

5 **INMATE PALACIOS:** Yes.

6 **PRESIDING COMMISSIONER SAWYER:** What was  
7 that problem?

8 **INMATE PALACIOS:** Drugs. I had a -- When  
9 I was a kid I was beginning drugs. I was still  
10 playing sports. But my coach used to give us  
11 drugs to get us high after a win. If we didn't  
12 win we didn't get anything.

13 **PRESIDING COMMISSIONER SAWYER:** What was  
14 he giving you?

15 **INMATE PALACIOS:** Marijuana. Basically  
16 marijuana, drinking.

17 **PRESIDING COMMISSIONER SAWYER:** How old  
18 were you?

19 **INMATE PALACIOS:** About 14. Thirteen,  
20 14, 15. That's when I played -- That's when I  
21 played hardball. So yeah, that was a problem.  
22 I began to use drugs and they overtook me.

23 **PRESIDING COMMISSIONER SAWYER:** Certainly  
24 (inaudible).

25 **INMATE PALACIOS:** Yes, absolutely.

26 **PRESIDING COMMISSIONER SAWYER:** Tell me  
27 about step eight in the 12 step program. What

1 is step eight?

2 **INMATE PALACIOS:** Make a list of all the  
3 people I harmed and be willing to make amends.  
4 It's a long list.

5 **PRESIDING COMMISSIONER SAWYER:** Have you  
6 done it?

7 **INMATE PALACIOS:** I've done it to my  
8 family, you know. I asked them forgiveness for  
9 not being there. One day I hope to be able to  
10 go my parents' grave, you know. I lost my  
11 parents while incarcerated. I wasn't there for  
12 them, I wasn't there to hold their hands.  
13 That's pretty tough. But I make an effort. If  
14 I wrong someone, if I feel that I wrong someone  
15 I will ask for forgiveness, tell them I'm sorry,  
16 it was my fault. I do make an effort.

17 **PRESIDING COMMISSIONER SAWYER:** Okay.  
18 Counsel, you have an opportunity at this point  
19 to ask questions of Inmate Palacios.

20 **ATTORNEY TARDIFF:** Okay. In terms of --  
21 You have three offers of residence; is that  
22 correct?

23 **INMATE PALACIOS:** Right.

24 **ATTORNEY TARDIFF:** And one is in  
25 Southgate and the other two are in --

26 **INMATE PALACIOS:** Paramount.

27 **ATTORNEY TARDIFF:** Paramount, okay. So

1 if one residence proved to be too close to gangs  
2 you could always go live in another residence,  
3 correct?

4 **INMATE PALACIOS:** But I want to go to  
5 Southgate, the residence in Southgate. My  
6 sister Renee, she lives in a better community.  
7 It's no gangs pretty much. So that's where my  
8 first choice for residence would be.

9 **ATTORNEY TARDIFF:** Okay. And you know  
10 this because your sister has told you?

11 **INMATE PALACIOS:** Right.

12 **ATTORNEY TARDIFF:** Thanks. I don't have  
13 anything further.

14 **PRESIDING COMMISSIONER SAWYER:** Okay, I  
15 do have a letter from July 9, 2005 from Reyna  
16 Palacios and she does have a Southgate, she  
17 gives her Southgate address. You want to go  
18 ahead and close, counsel.

19 **ATTORNEY TARDIFF:** Thanks. In terms of  
20 the commitment offense itself I believe that  
21 there are a couple of mitigating factors. I  
22 know that he does have a juvenile record and it  
23 was obvious that it was increasing. But at the  
24 same time up until the point of the commitment  
25 offense it was not a significant criminal record  
26 in terms of violence. Also I would submit that  
27 the situation at the time of the commitment

1 offense and what led up to it, that he had  
2 particularly the influences of his older  
3 brother, which he spoke about today. I think  
4 that does to some extent mitigate what was going  
5 on and mitigate the factors of the crime. Since  
6 he's been incarcerated his psych evals almost  
7 all indicate that he has significant insight and  
8 genuine and sincere remorse for the commitment  
9 offense. I know he didn't discuss the  
10 commitment offense here and sometimes it's  
11 difficult for the panel to make a decision of  
12 suitability when an inmate doesn't discuss the  
13 crime. But the fact of the matter is that he  
14 has continuously since he's been incarcerated  
15 admitted the commitment offense and his version  
16 has always been the same as the official  
17 version. What I find happens is that inmates,  
18 after a time of discussing it with the panels,  
19 at some point they want to move beyond that and  
20 not discuss it any longer. That's their choice  
21 and I don't think it should be used against him  
22 that he didn't discuss it. I think the  
23 important thing is that his version has never  
24 veered from the official version and his reports  
25 indicate that. So there really isn't an issue  
26 in terms of discussing the commitment offense as  
27 far as the facts and his version because it

1 doesn't differ at all from the official version.  
2 Since he's been incarcerated I think it's  
3 obvious he's done a good job. Everything pretty  
4 much has been read into the record. I'm not  
5 going to go over all of it again. The important  
6 highlighted points I believe are he has sought  
7 out self-help on his own. It hasn't been  
8 structured self-help that's been handed to him  
9 in here, so to speak. The Crim-Anon and the  
10 Creative Options and the bible study programs  
11 are all correspondence courses which he had to  
12 seek out himself through his own efforts and it  
13 wasn't something that he, a structured-type  
14 self-help within the CDC system. And I think  
15 that that's important because it shows  
16 motivation on his part from himself and not from  
17 other sources. Also this book report that he  
18 did. There's very few inmates that you'll find  
19 will do that but it is offered as an alternative  
20 to self-help and he did it and I think that  
21 that's commendable. And lastly another  
22 highlight is the continuous and ongoing  
23 involvement in AA. Continuously for ten years  
24 and then he started before that. At least since  
25 1990 and probably sooner. But the important  
26 thing is he's been ongoing for ten years. So  
27 unlike inmates that we see that come in here and

1 say that they can't get into AA or this or that  
2 we have Mr. Palacios here who has been  
3 continuously participating in it. Again I think  
4 an example of his strong motivation to remain  
5 clean and sober. He has his vocations. Another  
6 issue I think for the panel would be he doesn't  
7 have a firm job offer. The regulations require  
8 that he have a job offer or marketable skills.  
9 We know he has marketable skills. Graphic arts,  
10 it said he was skilled and employable and as the  
11 optician. And again he taught himself through  
12 book learning. Getting the books himself, not  
13 being in the structured educational program, to  
14 pass the optician's test. And again that's all  
15 entirely self-motivating. He does have the one  
16 sister who can help him with employment; she  
17 works for the county. He has also made contacts  
18 with agencies so when he gets out he knows where  
19 to go for job employment. Maybe to take away  
20 from the negativity of not having a firm offer  
21 is the fact that I think he has very strong  
22 family support, especially from his sisters.  
23 They're going to be there for him. I doubt if  
24 they're going to let him get with not working  
25 and I don't think he doesn't want to work. We  
26 know it's going to be tough when he gets out in  
27 terms of, you know, finding somebody that's

1 going to be willing to give him a job. But I  
2 think with the help of his sisters and with his  
3 own motivation, which he's shown in here, the  
4 stuff he's done on his own, I don't think that  
5 that should be a problem. He's educationally  
6 upgraded himself and continues to do so with the  
7 video series and the FEMA courses. He's only  
8 had one 115 in 1990 and that was administrative  
9 in nature. He stole food and he had to pay  
10 \$3.50 back for that. He has no evidence of  
11 further gang activity and obviously he has had  
12 no violence of any sort since he's been  
13 incarcerated. His psych evals since 1988 are  
14 supportive of release. Most of that has been  
15 entered into the record and I'm not going to go  
16 over it again. Just about everything was gone  
17 over. In the most current '05 evaluation it  
18 does state under the life crime that  
19 Mr. Palacios had two very destructive role  
20 models in his brother, who did well in athletics  
21 but became a gang member, and in his coach, who  
22 encouraged athletic performance while leading  
23 the children into drug and alcohol abuse. And  
24 again his remorse, genuinely remorseful. He  
25 truly understands the scope of his actions and  
26 the tragic consequences. His grief and remorse  
27 is honest and sincere. And then the assessment

1 of dangerousness, which is below average or  
2 average relative to the average citizen is based  
3 on absolutely no violent criminal history except  
4 for the commitment offense. Has only had one  
5 very minor rule infraction and has exhibited  
6 tremendous maturity and proactive involvement in  
7 programming. The risk factors that have been  
8 present are obvious substance abuse. And I  
9 think that anybody who has had an issue with  
10 drug or alcohol abuse, that's always going to be  
11 a risk factor until you're in the grave, so to  
12 speak. But it can be reduced significantly and  
13 he's done that through his involvement in AA.  
14 And as the most recent psych eval says, one may  
15 conclude that Inmate Palacios has abandoned the  
16 pursuit of even the desire for illegal drugs and  
17 alcohol and it is very unlikely he would become  
18 involved in activities using drugs and alcohol.  
19 It says, after 20 years of incarceration this  
20 self-motivated, mature, 40 year old man appears  
21 to have a high likelihood of success. And to  
22 back up the risk factor of abuse, he has not  
23 used for 20 years. I know that's self-reporting  
24 but he hasn't had a 115 involving any drugs or  
25 alcohol. And I doubt after 20 years that he  
26 would want to give up that long-term sobriety to  
27 have to start all over again. And I think that

1 being involved in AA and having to stand up  
2 again as a newcomer after 20 years is pretty,  
3 that's pretty hard to do and I think that is a  
4 deterrent in and of itself. And I know that a  
5 lot of the prior psych evals have been read into  
6 the record and I appreciate that because I was  
7 going to do that. But in any event, in '98 it  
8 says his prognosis for community living is quite  
9 positive based on his family support and his  
10 employment as an optician. Under the life crime  
11 it said, we discussed membership in gangs and he  
12 seemed to understand the many adverse effects of  
13 participating in gangs. I believe he is quite  
14 sincere in discussing these issues and believe,  
15 as Dr. Bakeman's past evaluations indicated,  
16 that this inmate's insight and judgment have  
17 greatly improved. The remorse he expressed for  
18 his crime appeared to be genuine and  
19 appropriate. Again in the '97 psych eval he  
20 demonstrated good insight into his commitment  
21 offense and his judgment also appeared good. In  
22 '95 his insight and judgment appeared greatly  
23 improved. If released -- This is the '95. If  
24 released he should be able to maintain his  
25 gains. He has made some important decisions and  
26 changes in his thinking pattern now and has  
27 gained a valuable skill as an optician. And

1 then the '88 evaluation: "This young man  
2 committed the offense largely because of his  
3 involvement with mind-altering substance. His  
4 personality pattern is well organized. There is  
5 no disorganization or disruption of his general  
6 thinking behavior systems." His Board Reports  
7 or counselor's reports, while they don't make  
8 assessments of dangerousness any longer, they  
9 did used to do that. And starting in '01 he got  
10 low, '02 he got low and '03. And those are from  
11 counselors that at least early on in  
12 incarceration and up until the last three or  
13 four years knew the inmates quite well. The  
14 3042 notice, the sheriff's response. I would  
15 like to add that their response that he not be  
16 found suitable, they base it strictly on the  
17 commitment offense alone. They don't bother to  
18 assess what Mr. Palacios has done since he's  
19 been incarcerated. He has good use of his free  
20 time, that's obvious, and I would submit that he  
21 has served enough time for the crime. It's  
22 close to 20 years now, just shy by what, 52 days  
23 or something like that did you say?

24 **INMATE PALACIOS:** Now it's 14.

25 **ATTORNEY TARDIFF:** Fourteen days. He's  
26 served enough time for this crime. I think he  
27 has made himself suitable. Further

1 incarceration at this point would be punishment  
2 alone and I believe that he is suitable for  
3 release. Thank you.

4 **PRESIDING COMMISSIONER SAWYER:** The crime  
5 occurred -- Just to clarify the length of time.  
6 The crime occurred September 2 and he was  
7 arrested after that. You're right, it's about  
8 30 days short of 20 years.

9 **ATTORNEY TARDIFF:** Okay, thanks.

10 **PRESIDING COMMISSIONER SAWYER:**  
11 Mr. Palacios, this is your opportunity to tell  
12 us why we should give you a date.

13 **INMATE PALACIOS:** First of all, I am  
14 sorry for what I did. I understand what I did,  
15 I understand the scope of what I did, the impact  
16 it had on a lot of people and I am sorry for  
17 taking Eddie's life. I realize that there were  
18 factors in my life that contributed directly to  
19 my actions and I have dealt with them. I  
20 realized early that I had to get my life in  
21 order. And I have spent 20, almost 20 years in  
22 prison. And I have stayed away from the  
23 negativity, I have no gang involvement, no  
24 drugs, no violence. I made a conscious effort  
25 to get my life in order. In that time I have  
26 educated myself, I have job skills that I can  
27 use to help me back in society. A positive

1 psych report. I have always gotten positive  
2 psych reports because I've always made an effort  
3 to get my life in order. If having not spoken  
4 about my committed offense is going to create  
5 some (indiscernible) I'll go back out there and  
6 we can start again. I'm willing to speak about  
7 it. Today I chose not to and I don't want that  
8 to be a sticking point in your decision. I'm  
9 willing to speak to it, about it. I've done all  
10 -- I could do more and I will do more. Once I'm  
11 on the streets and back in society with my  
12 family I will continue. I'm not going to look  
13 back. I'm headed on the right path now. I  
14 understand that drugs, gangs led me here and I  
15 dealt with it. Right now I have my family  
16 support that's going to help me make the  
17 transition. Today I ask this panel to judge me  
18 for who I am today, not the kid that was  
19 influenced 20 years ago. That's all I'd like to  
20 say, thank you.

21           **PRESIDING COMMISSIONER SAWYER:** Thank  
22 you. We will now recess for deliberations. The  
23 time is 10:31.

24                           **R E C E S S**

25                           --oOo--

26

27

1 CALIFORNIA BOARD OF PAROLE HEARINGS

2 D E C I S I O N

3 DEPUTY COMMISSIONER KEENAN: We are back  
4 on record.

5 PRESIDING COMMISSIONER SAWYER: Back on  
6 record. It's 12 o'clock noon. I would like to  
7 also indicate that Deputy District Attorney  
8 Archuleta has arrived and is in the room.

9 DEPUTY DISTRICT ATTORNEY ARCHULETA: Do  
10 you want me to spell my name, Commissioner?

11 PRESIDING COMMISSIONER SAWYER: No.

12 DEPUTY DISTRICT ATTORNEY ARCHULETA:  
13 Okay.

14 PRESIDING COMMISSIONER SAWYER: That's  
15 fine. Yes, go ahead and spell your name.

16 DEPUTY DISTRICT ATTORNEY ARCHULETA: D-E-  
17 B-R-A, A-R-C-H-U-L-E-T-A, Deputy District  
18 Attorney for the County of Los Angeles.

19 PRESIDING COMMISSIONER SAWYER: And she  
20 will be observing.

21 DEPUTY DISTRICT ATTORNEY ARCHULETA:  
22 Thank you.

23 PRESIDING COMMISSIONER SAWYER: Okay, in  
24 the matter of inmate Edward --

25 INMATE PALACIOS: Palacios.

26 PRESIDING COMMISSIONER SAWYER: Palacios,  
27 EDWARD PALACIOS D-27035 DECISION PAGE 1 08/03/05

1   sorry.   The panel has reviewed all of the  
2   information received from the public and relied  
3   on the information and following circumstances  
4   in concluding that the prisoner is suitable for  
5   parole and would not pose an unreasonable risk  
6   of danger to society or a threat to public  
7   safety if released from prison.   The prisoner  
8   has no juvenile record of assaulting others.  
9   Although he has a juvenile record of substance  
10  abuse, carrying a weapon and being involved in  
11  some other crimes there are no violent crimes.  
12  While in prison the prisoner has enhanced his  
13  ability to function within the law upon release  
14  through participation in AA approximately 15  
15  years, a GED in 1989, he's a certified optician,  
16  completed graphic arts/offset printing program,  
17  has work experience in the furniture assembly  
18  area, has educational programs and Impact,  
19  Breaking Barriers, Alternatives to Violence,  
20  Anger Management, has institutional job  
21  assignments and skills in culinary, has made  
22  book reports through Dr. Gleason's Book Report  
23  Club, is certified for FEMA disasters and has a  
24  bible correspondence school.   He has done very  
25  well.

26               INMATE PALACIOS:   Thank you.

27   EDWARD PALACIOS D-27035 DECISION PAGE 2 08/03/05

1           **PRESIDING COMMISSIONER SAWYER:** Done very  
2 well in the area of his work experience, his  
3 programming. He's even gone to schools that  
4 weren't part of the program. He's gone a step  
5 above and we feel that's commendable. I'm also  
6 going to back up just a little bit on the  
7 certified optician. In a previous -- During  
8 deliberations and during the interview we  
9 discussed it and he is a certified optician.  
10 (Indiscernible) as an optician. As we  
11 mentioned, Lenscrafters.

12           **INMATE PALACIOS:** Right.

13           **PRESIDING COMMISSIONER SAWYER:** Building  
14 eyeglasses for people. And he's certified to do  
15 that, which is, of course, an excellent option  
16 in the community. As well as the graphic arts  
17 and offset printing and heavy printing presses.  
18 He was trained and completed a course in that  
19 and we have documentation to back that up. He  
20 lacks a significant criminal history of violent  
21 crime. The only violent crime you committed,  
22 sir, was the violent crime you're here for. You  
23 had no adult violent crime. You had no adult  
24 record, although there's only two years between  
25 your juvenile record and this violent crime.

26 You had no adult crime and this was it, this was

1 the big one. Because of maturation, growth,  
2 greater understanding and advanced age he has  
3 reduced his probability of recidivism. Twenty  
4 years in custody, no violence. Programs, self-  
5 help, you completed programs. All of this --  
6 And particularly one of the programs, the most  
7 important program he's going to take with him  
8 and do his homework on for the rest of his life  
9 is AA. He indicated that earlier. He has  
10 realistic parole plans, family support and  
11 market skills. He has a bag full of market  
12 skills, if I could use that term. If you don't  
13 take advantage of that you're a fool.

14 **INMATE PALACIOS:** I will.

15 **PRESIDING COMMISSIONER SAWYER:** And  
16 you'll get yourself in some serious trouble.  
17 You've got a loving family, they have offered  
18 residence, residential care, and in the time  
19 between now and whenever it is you are  
20 subsequently released you need to start filling  
21 out job applications and get some options going.

22 **INMATE PALACIOS:** I will.

23 **PRESIDING COMMISSIONER SAWYER:** He  
24 maintained close family ties while in prison via  
25 letters and/or visits. He has three very close  
26 sisters. He has some brothers. One brother who  
27 **EDWARD PALACIOS D-27035 DECISION PAGE 4 08/03/05**

1 we do not want him to associate with, that got  
2 him going in the gang problems to begin with,  
3 and he has indicated the rest of his brothers  
4 and his sisters -- In particular we have letters  
5 from your sisters. We have no letters from your  
6 brothers but three sisters that are there to  
7 support you and two out of the three live in LA  
8 County.

9 INMATE PALACIOS: Los Angeles, yes.

10 PRESIDING COMMISSIONER SAWYER: And they  
11 have offered a place to stay and a positive  
12 environment. He has maintained positive  
13 institutional behavior as a result of his  
14 significant self-improvement programs and self-  
15 control. I must mention that he had, for the  
16 record, one 115 in 20 years and that was for  
17 stealing food. That was an administrative 115  
18 and you were fined \$3.50 for (indiscernible)  
19 twice.

20 INMATE PALACIOS: Right.

21 PRESIDING COMMISSIONER SAWYER: Stealing  
22 state food. He's had -- Any 128s?

23 DEPUTY COMMISSIONER KEENAN: No 128s.

24 PRESIDING COMMISSIONER SAWYER: No 128s,  
25 No 128(a)s.

26 DEPUTY COMMISSIONER KEENAN: No 128(a)s.

1           **PRESIDING COMMISSIONER SAWYER:** Sorry.

2   No 128(a)s, which are counseling memos. Twenty  
3   years, I don't know if any of us could do that.

4           **INMATE PALACIOS:** Sure you can.

5           **PRESIDING COMMISSIONER SAWYER:** You're to  
6   be commended for that sir and there is a payday  
7   we hope. He shows signs of remorse. He has  
8   indicated that he understands the nature and  
9   magnitude of the offense and accepts  
10   responsibility for his criminal behavior and has  
11   a desire to change towards good citizenship. I  
12   think even though you stated to the Board you  
13   have remorse, it is also indicated in your  
14   psychiatric reports consistently. I would like  
15   to think that even though people tell us they're  
16   remorseful, I think there was an event in your  
17   life that I brought up to you, you got kind of a  
18   scary look on your face when I said, your father  
19   was killed in a fight or a robbery.

20           **INMATE PALACIOS:** A robbery attempt.

21           **PRESIDING COMMISSIONER SAWYER:** Two years  
22   -- a year later after you stabbed the other  
23   victim. And I think that really had brought  
24   that home. It brought home the fact that  
25   somebody did to your father what you did to  
26   somebody else and affected the family in the

1 same way you were affected.

2 **INMATE PALACIOS:** It played a great part  
3 in it.

4 **PRESIDING COMMISSIONER SAWYER:** Another  
5 reason the information bearing upon suitability  
6 for release: Again continuing to see the -- I  
7 don't put a lot of weight on psychs unless  
8 they're consistent. These psychs have been very  
9 consistent. They have been consistent and  
10 positive up until the recent psych they just  
11 brought in to us. Your personal growth and  
12 vocational growth while you've been here is all  
13 positive. It's all been in the same direction.  
14 There haven't been any skips, there hasn't been  
15 any -- You haven't fallen down to have to pick  
16 yourself up and start all over again. You've  
17 got 20 years of positive, continuing growth and  
18 it's clear we don't want to see that stop.

19 **INMATE PALACIOS:** No.

20 **PRESIDING COMMISSIONER SAWYER:** Base term  
21 of confinement: The base life offense for which  
22 the prisoner has been convicted, second degree  
23 PC 187. The events occurred September 2nd,  
24 1985. The panel finds the category C-3 on the  
25 matrix, death resulted from severe trauma  
26 inflicted with deadly intensity, stabbing.

1 Multiple wounds inflicted with a weapon, none  
2 resulting in immediate death.

3 DEPUTY COMMISSIONER KEENAN: Excuse me,  
4 we're about to run out of tape.

5 (Tape One was changed to Tape Two.)

6 DEPUTY COMMISSIONER KEENAN: Back on  
7 record, tape two side one.

8 PRESIDING COMMISSIONER SAWYER: I was  
9 reading C-3. And that's C, number three down.  
10 No prior relationship with the victim; the  
11 victim had little or no personal relationship  
12 with the prisoner. The panel assesses 240  
13 months for the base offenses and notes that this  
14 is the middle term. The total term calculation:  
15 Base life term, 240 months. Post-conviction  
16 credits August 3rd, '86 to August 3rd, 2005 is  
17 72 months. The total period of confinement,  
18 that's 72 minus 240 is 168 months is your total  
19 confinement. Special conditions of parole.  
20 Mr. Palacios, I want you to pay particular  
21 attention to this because this is going to  
22 follow you the rest of your life.

23 INMATE PALACIOS: Yes.

24 PRESIDING COMMISSIONER SAWYER: If in  
25 fact you are paroled. The following conditions  
26 of parole are as imposed: Do not use alcoholic  
27 EDWARD PALACIOS D-27035 DECISION PAGE 8 08/03/05

1 beverages, submit to alcohol testing, submit to  
2 anti-narcotic testing, submit to THC testing,  
3 participate in substance abuse programs such as  
4 AA. You will not actively participate in,  
5 promote, further or assist in any prison gang,  
6 disruptive group or criminal street gang  
7 activity as enumerated in Penal Code Section  
8 186.22 subdivision E1-23 nor violate any gang  
9 abatement injunction, ordinance or court order.  
10 You will not associate with any prison gang,  
11 disruptive group or street gang member known to  
12 be such by you or carry or wear on your person  
13 any gang colors, any sign, any symbol or  
14 paraphernalia known to be associated with any  
15 gang activity. Do you understand that?

16 **INMATE PALACIOS:** Yes.

17 **PRESIDING COMMISSIONER SAWYER:**

18 Mr. Keenan.

19 **DEPUTY COMMISSIONER KEENAN:** Yes, just a  
20 couple of comments. First I would like to note  
21 that I wholeheartedly endorse all the comments  
22 just made by Commissioner Sawyer. And in  
23 addition I just want to take notice of something  
24 from the most current psychiatric evaluation.  
25 The last line is, after 20 years of

26 incarceration this self-motivated, mature 40

27 **EDWARD PALACIOS D-27035 DECISION PAGE 9 08/03/05**

1 year old man appears to have a high likelihood  
2 of success. And a little further back in the  
3 report the last sentence before the diagnostic  
4 impression it says, this truly does not appear  
5 to be the same man who was incarcerated 20 years  
6 ago. And just sort of the review of the  
7 psychiatric evaluations. It shows somebody who  
8 has been improving and achieving personal growth  
9 since the very start. If you track the  
10 psychological evaluations every one of them is  
11 talking about how you're doing better, you know.  
12 You're improving, there's some personal growth  
13 taking place. And you get to the last two in  
14 particular and they're very positive reports.  
15 The current one indicates your dangerousness is  
16 considered to be average to below average  
17 relative to the average citizen. And the report  
18 that we had that preceded that, the full report  
19 back in '98 by Steven Terrini, which is what,  
20 about seven years ago. Thereabouts anyway. Is  
21 also noting at that point, if released to the  
22 community the dangerousness is considered to be  
23 no more than the average relative to the average  
24 citizen. And that's by a different doctor.  
25 Whenever you have a medical condition and you're  
26 trying to decide what to do and it's something  
27 EDWARD PALACIOS D-27035 DECISION PAGE 10 8/03/05

1 of great importance to you, you always seek a  
2 second opinion. Well we have two doctors, in  
3 recent times at any rate, telling me the same  
4 thing, that you're not dangerous. And that just  
5 seems to mesh with everything I see in your  
6 record. You have made a real effort at personal  
7 change and it seems to have started right at the  
8 beginning. You were going to AA back in '90. I  
9 think you thought that you might have done  
10 something a little before that but what I saw in  
11 the file was '90. And your programming started  
12 early on. You seem like you were committed to a  
13 personal change from the start and it looks like  
14 you've done that. The psychiatrists seem to  
15 think so, we think so and it's all very  
16 consistent with your actions. These opinions  
17 just mesh with your actions over time, a long  
18 stretch of time. And it's not a short-term  
19 change. When you see something over that  
20 stretch of time it seems pretty clear to me it's  
21 the real deal. I just want to congratulate you  
22 for your hard work.

23 INMATE PALACIOS: Thank you.

24 DEPUTY COMMISSIONER KEENAN: And wish you  
25 the best of luck.

26 INMATE PALACIOS: Thank you.

27 EDWARD PALACIOS D-27035 DECISION PAGE 11 8/03/05

1           PRESIDING COMMISSIONER SAWYER: I have  
2 one more thing to read and that is the notice to  
3 the CDC staff. Do not release the inmate until  
4 the Board of Prison Terms and the Governor's  
5 Review. Also, if this decision is final you  
6 will get a parole date. The Board will send you  
7 a copy of the decision. If this decision is  
8 changed you will be told why. The Board may set  
9 up another hearing if the decision is changed or  
10 taken away. Also one final note, this is not a  
11 final decision. Do not break any rules in the  
12 California Code of Regulations Title 15 Section  
13 2451. If you break any rules your release date  
14 may be changed or taken away. Do you understand  
15 that?

16           INMATE PALACIOS: Yes, I understand.

17           PRESIDING COMMISSIONER SAWYER: Good luck  
18 to you.

19           INMATE PALACIOS: Thank you, thank you.

20                           --oOo--

21

22

23 PAROLE GRANTED

**PENDING REVIEW  
AND APPROVAL**

24 THIS DECISION WILL BE FINAL ON:  
25 YOU WILL BE PROMPTLY NOTIFIED, IF PRIOR TO THAT  
26 DATE, THE DECISION IS MODIFIED.

27 EDWARD PALACIOS D-27035 DECISION PAGE 12 8/03/05

77

CERTIFICATE AND  
DECLARATION OF TRANSCRIBER

I, RAMONA COTA, a duly designated transcriber, PETERS SHORTHAND REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total two in number and cover a total of pages numbered 1 - 76, and which recording was duly recorded at CORRECTIONAL TRAINING FACILITY, SOLEDAD, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING OF EDWARD PALACIOS, CDC NO. D-27035, ON AUGUST 3, 2005, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated August 21, 2005, at Sacramento County, California.

Handwritten signature of Ramona Cota in black ink.

RAMONA COTA  
TRANSCRIBER  
PETERS SHORTHAND REPORTING

EXHIBIT 5

Inmate Copy

**PSYCHOLOGICAL EVALUATION FOR THE BOARD OF PRISON TERMS  
(REVISED AUGUST 1998)  
PAROLE CONSIDERATION HEARING  
AUGUST 2005 LIFER CALENDAR**

**CORRECTIONAL TRAINING FACILITY, SOLEDAD  
JUNE 9, 2005**

This is an addendum psychological evaluation to the sixth report for the Board of Prison Terms on inmate Edward Palacios, CDC# D-27035. The sixth evaluation was conducted on 09/16/98, while this update was completed on 06/10/05. Inmate Palacios is aware of the purpose of the evaluation, and agreed to participate, given the limited confidentiality provisions.

Since this is an updated psychological report for the Board of Prison Terms, only new and pertinent information will be included, as the essential facts related to inmate Palacios are in the 09/16/98 psychological evaluation.

<b>NAME:</b>	PALACIOS, EDWARD	<b>CRIME:</b>	Murder, second degree
<b>CDC #:</b>	D-27035	<b>TERM:</b>	15 years to life
<b>DOB:</b>	10/14/64	<b>OFFENSE DATE:</b>	09/02/85
<b>AGE:</b>	40	<b>ARREST DATE:</b>	09/25/85
<b>RACE:</b>	Hispanic	<b>SENTENCE DATE:</b>	03/21/86
<b>SEX:</b>	Male		
<b>MARITAL:</b>	Divorced		
<b>RELIGION:</b>	Catholic		
<b>EVALUATION DATE:</b>	06/10/05		

**EVALUATOR:** J. Steward, Psy.D.  
Clinical Psychologist  
**INSTITUTION:** Correctional Training Facility, Soledad, CA

**I. IDENTIFYING INFORMATION:**

Inmate Edward Palacios, CDC# D-27035, is a 40-year-old, divorced, Hispanic male, raised Catholic, serving 15 years to life for murder, second degree. He does not have any unusual physical characteristics. His past nicknames have been "Payaso", translated "clown" in English.

**II. EDUCATIONAL HISTORY:**

Inmate Palacios has been very proactive and responsible in pursuing the educational programs and self-improvement opportunities available in prison. He

*PALACIOS, EDWARD*  
*CDC NUMBER: D-27035*  
*BPT MENTAL HEALTH EVALUATION*  
*PAGE TWO*

has completed Anger Management, Dr. Gleason's Book Club (where one reads a self-help book, integrating the concepts and self-application by completing a report), and Creative Options, in which he just sent his last lesson in regarding anger management. He has received certifications for FEMA in emergency and preparedness; in animals and disasters; and in community planning. He also completed a video reporting class sponsored by CTF's educational department. Inmate Palacios also initiated corresponding with and becoming involved in CRIMINON, a program offered by E. L. Ron Hubbard to assist inmates in understanding themselves and living more productive lives. In addition, inmate Palacios initiated contact with a Biblical correspondence school, receiving a certificate in his studies on 02/21/04.

*VI. MARITAL HISTORY:*

Inmate Palacios is the father of a 16-year-old son, Edward, by his only marriage. The prior report indicated that his son was two years old; however, this was an error.

*VIII. EMPLOYMENT/INCOME HISTORY:*

During inmate Palacios' incarceration, he has excelled in becoming a licensed optician through PIA, and plans to find work in that area when paroled. He has also completed three years in offset printing, and currently is studying furniture construction and assembly.

*IX. SUBSTANCE ABUSE HISTORY:*

Inmate Palacios has not used alcohol or illicit drugs since his incarceration, and has regularly attended Alcoholics Anonymous for the last ten years.

*CLINICAL ASSESSMENT*

*XII. CURRENT MENTAL STATUS/TREATMENT NEEDS:*

Inmate Palacios was cooperative and very attentive throughout the interview. His eye contact was excellent, and he was effectively engaged in conversation with the evaluator. At the same time, he was calm and relaxed, without any signs of anxiety. His speech was clear, and his flow of thoughts were rational, logical, and well organized. His mood and affect are within the normal range. He does not have any signs or symptoms of a mood or a thought disorder. His intellectual functioning is estimated to be in the average range. He has excellent insight into

*PALACIOS, EDWARD*  
*CDC NUMBER: D-27035*  
*BPT MENTAL HEALTH EVALUATION*  
*PAGE THREE*

his committing offense, and genuinely, deeply regrets the death of the victim, who he referred to as "Eddie." His eyes turned red and about to water as he discussed the senseless nature of the crime. Inmate Palacios has very good judgment and very good impulse control. This truly does not appear to be the same man who was incarcerated 20 years ago.

*CURRENT DIAGNOSTIC IMPRESSIONS (DSM-IV):*

*AXIS I:* Polysubstance abuse, in institutional remission.  
*AXIS II:* None noted at this time.  
*AXIS III:* No contributory physical disorder.  
*AXIS IV:* Incarceration.  
*AXIS V:* GAF = 95.

*XIII. REVIEW OF LIFE CRIME:*

Inmate Palacios' description of the crime is consistent with the facts in the probation officer's report.

In brief, to recap the events 20 years ago, the victim (17-year-old Eddie Angulo), a "Lennox" gang member, and his girlfriend were in Lennox Park. Inmate Edward Palacios was driving a truck with Carlos Soto and Robert Sanden as passengers when they approached Eddie Angulo to ask where he lived. A verbal confrontation ensued, with the truck occupants exiting. Robert Sanden and Carlos Soto each took a baseball bat, striking the victim, and inmate Palacios used a knife to stab the victim six times in the chest and abdomen, which led to Eddie Angulo's death.

Inmate Palacios acknowledged being heavily under the influence of drugs at the time of the offense, and is well aware of the many adverse and destructive aspects of being involved in gangs. In explaining his being drawn into gangs, it was a significant part of the subculture where he wanted to fit in, having a group that he belonged to that gave him a sense of confidence, respect, and self-esteem. Inmate Palacios stated, "When you are young, you want to make your own decisions. If you grab hold of the wrong role model, you go the wrong way."

When inmate Palacios was eight years old, he remembers realizing he had an older brother to whom he could look up to and admire. One day, a man brought his brother home to compliment his parents on his exceptional athletic abilities. Since then, his older brother received a lot of attention and praise for his athletics, but also became involved in the gang lifestyle. When inmate Palacios entered into athletics, each time they won a game, the coach would buy them marijuana and beer to celebrate, a poor and deadly example equating drugs with success.

*PALACIOS, EDWARD*  
*CDC NUMBER: D-27035*  
*BPT MENTAL HEALTH EVALUATION*  
*PAGE FOUR*

Inmate Palacios had two very destructive role models in his brother, who did well in athletics, but became a gang member, and in his coach, who encouraged athletic performance, while leading the children into drug and alcohol abuse.

As inmate Palacios recalls this time in his life, when the offense was committed, he expresses some disbelief that he had a job that paid him well, had recently purchased a new truck, and yet he lost his focus. Regarding the actual death of Eddie, inmate Palacios states, "If I say it today, I can't believe I let myself get into that position. I did not have any guidance. I did not look to the future until something tragic happened. It was not until you do this that you realize."

Inmate Palacios is genuinely remorseful for Eddie's death, and wishes he could change what happened. Some inmates give "lip service" to grief or regret, and others are indifferent. However, inmate Palacios truly understands the scope of his actions, and the tragic consequences. Inmate Palacios' grief and remorse is honest and sincere.

*XIV. ASSESSMENT OF DANGEROUSNESS:*

- A.* During his entire incarceration of 20 years, he has only received one CDC-115 for taking food from the commissary. If one has any familiarity with the prison system and culture, the fact inmate Palacios went back for a second tray of food is at the most a miniscule rule infraction. Given that inmate Palacios has absolutely no violent criminal history except for the committing offense, has only one very minor rule infraction, and has exhibited tremendous maturity and proactive involvement in programming, his potential for violence within a controlled setting is very much significantly below average relative to the inmate population.
- B.* If released to the community, inmate Palacios' dangerousness is considered to be average to below average relative to the average citizen.
- C.* The primary risk factor for inmate Palacios would be substance abuse, which he has completely abstained from in the last 20 years. Further, he has attended AA seriously in the last ten years. For all intent and purposes, one may conclude inmate Palacios has abandoned the pursuit or even the desire for illegal drugs and alcohol. It is very unlikely he would become involved in activities using drugs and alcohol.

*XV. CLINICIAN OBSERVATIONS/COMMENTS/RECOMMENDATIONS:*

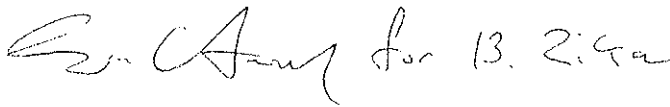
- I)* Inmate Palacios is competent and responsible for his behavior. He has the capacity to abide by institutional standards, and has generally done so during his incarceration.

*PALACIOS, EDWARD*  
*CDC NUMBER: D-27035*  
*BPT MENTAL HEALTH EVALUATION*  
*PAGE FIVE*

- 2) Inmate Palacios does not have a mental disorder which would necessitate treatment either during his incarceration or following parole.
- 3) It appears very unlikely inmate Palacios would ever become involved in using illegal drugs or alcohol. However, only for the sake of parole exercising its responsibility, some abstinence monitoring could be conducted. Inmate Palacios has done very well by being proactive to pursue self-help groups, self-help reading material, and in acquiring skills and licenses to be a productive and meaningful member of society. Since he has made such good use of the support of AA, it would benefit him to continue attending Alcoholics Anonymous when paroled. After 20 years of incarceration, this self-motivated, mature, 40-year-old man appears to have a high likelihood of success.



*J. Steward, Psy.D.*  
*Clinical Psychologist*  
*Correctional Training Facility, Soledad*



*Bill Zika, Ph.D.*  
*Senior Supervising Psychologist*  
*Correctional Training Facility, Soledad*

*JS/gmj*

*D: 06/10/05*  
*T: 06/11/05*

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EXHIBIT 6

BOARD OF PRISON TERMS  
LIFE PRISONER: PAROLE CONSIDERATION PROPOSED DECISION  
GRANT PAROLE

STATE OF CALIFORNIA

NOTE TO CDC STAFF: Do not release the inmate until after BPT and Governor's review.

☒ PAROLE GRANTED

If this decision is final, you WILL get a parole date. The Board will send you a copy of the decision. If this decision is changed, you will be told why. The Board may set up another hearing if the decision is changed or taken away.

A. Base time in prison: 240 Months

A 77278 1 187 PC 2ND  
Case # Count # Offense

B. Time for using a weapon: 0 Months

C. Time for other crimes: 0 Months

0  
Case # Count # Offense Months

0  
Case # Count # Offense Months

0  
Case # Count # Offense Months

D. Total term: 240 Months

E. Time credit from 3-31-86 to 8-3-2005 - 72 Months  
(Life term start date) (Date of hearing)

F. 168 Months

NOTE: This is not a final decision. Do not break any rules in California Code of Regulations, Title 15, Section 2451. If you break any rules, your release date may be changed or taken away.

## HEARING PANEL

Name Thom Samson Date AUG

Name Wanda [Signature] Date 3

Name 2005

NAME CDC# PRISON DATE

PALACIOS D-27035 CTF AUG 3, 2005

**EXHIBIT 7**

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**EDWARD PALACIOS, D-27035**  
**SECOND-DEGREE MURDER**

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      X      

On September 2, 1985, 21-year-old Edward Palacios, Carlos Soto, and Robert Sanden beat and stabbed to death 17-year-old Eddy Angulo.

At approximately 1:40 that morning, Mr. Angulo, his girlfriend, and other acquaintances were at a park in the Los Angeles area when Mr. Palacios, Mr. Soto, and Mr. Sanden, all three of whom were members of the Little Watts street gang, passed by in a truck. Mr. Palacios was driving. At some point, someone in the truck asked Mr. Angulo where he was from, and when he said Lennox, a verbal confrontation ensued and Mr. Palacios, Mr. Soto, and Mr. Sanden all jumped out of the truck and chased Mr. Angulo down. Mr. Soto and Mr. Sanden beat Mr. Angulo with baseball bats, and Mr. Palacios stabbed him with a knife six times. Afterwards, Mr. Palacios and his crime partners drove away in the truck. Mr. Angulo died a week later from a stab wound to his heart.

When arrested, Mr. Palacios denied being at the park when the murder occurred, but subsequently accepted a plea arrangement, pled guilty to second-degree murder and was sentenced to 15 years to life in prison. He was no stranger to the criminal-justice system at the time. At age 15, he was placed on probation for committing a burglary, and over the course of the next two years, although never prosecuted, was arrested for possession of a dangerous weapon (nunchuk sticks), hit and run with injury, minor in possession of an alcoholic beverage, petty theft, and public intoxication.


Since his incarceration approximately 20 years ago, Mr. Palacios has maintained a virtually blemish-free conduct record and has made efforts to enhance his ability to function within the law upon release. In addition to earning his GED, he has continued his education through video instruction and has earned his optician's license from the American Board of Optics. He has also completed vocational graphic arts and dry cleaning and has held skilled jobs within the institutional setting. He has participated in a joint Alcoholics Anonymous/Narcotics Anonymous program for the last 15 years and has availed himself of other self-help and therapy, including IMPACT, Anger Management, Life Skills, Breaking Barriers, Alternative to Violence, Vital Issues, and Cal OSHA's Hazardous Communications "Right to Know" program. Likewise, he has received favorable evaluations from correctional and mental-health professionals, has family support waiting for him outside of prison, and has marketable skills and a viable, confirmed housing offer upon parole. All of things support Mr. Palacios' parole suitability at this time.

Edward Palacios, D-27035  
Second-Degree Murder  
Page 2

But the nature and magnitude of the murder Mr. Palacios committed cannot be overlooked. He and his crime partners spotted Mr. Angulo at a park, jumped out of their truck, chased him down, and beat and then stabbed him to death because they believed he was a member of a rival gang. This was a vicious, unprovoked, gang-related murder. And Mr. Palacios' role in it was active, willing, and demonstrative of exceptional depravity, cruelty, and disregard for human life and suffering. Not only was Mr. Angulo outnumbered and attacked with a baseball bat, he was repeatedly stabbed by Mr. Palacios with a knife. According to the probation report, the coroner found six separate stab wounds to Mr. Angulo's chest and abdomen and determined the cause of his death was a stab wound that penetrated the heart and cut the right coronary artery. Moreover, the probation report also states that, after the attack, Mr. Palacios drove away from the scene with his crime partners, leaving Mr. Angulo—who was still alive at the time—there. Mr. Palacios committed an especially cruel second-degree murder and this factor alone is enough for me to conclude presently that his release from prison would pose an unreasonable public-safety risk.

Mr. Palacios has been in prison a long time and has made creditable gains over the years, including claiming responsibility and remorsefulness for Mr. Angulo's murder. But after carefully considering the very same factors the Board is required to consider, I find the gravity of the second-degree murder committed by Mr. Palacios presently outweighs the positive factors supporting his parole suitability. Accordingly, because I believe his release from prison would pose an unreasonable risk of danger to society at this time, I REVERSE the Board's 2005 decision to grant parole to Mr. Palacios.

Decision Date: 12/19/05

  
ARNOLD SCHWARZENEGGER  
Governor, State of California

**E X H I B I T   8**

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT 100

Date: JUNE 22, 2007	Judge	J. PULIDO	Deputy Clerk
Honorable: STEVEN R. VAN SICKLEN	Bailiff	NONE	Reporter
NONE	(Parties and Counsel checked if present)		

BH003908

In re,  
EDWARD PALACIOS,  
Petitioner,  
On Habeas Corpus

Counsel for Petitioner.

Counsel for Respondent:

Nature of Proceedings: ORDER RE: WRIT OF HABEAS CORPUS

The Court has read and considered petitioner's writ of habeas corpus filed on March 3, 2006, as well as the return and traverse filed in response to the Court's order to show cause. Having independently reviewed the record, giving deference to the broad discretion of the Governor in parole matters, the Court concludes that the record contains "some evidence" to support the Governor's finding that petitioner is unsuitable for parole (Cal. Code Reg. Tit. 15, §2402; *In re Rosenkrantz* (2002) 29 Cal.4<sup>th</sup> 616, 667 (hereafter *Rosenkrantz*)).

Petitioner was received in the Department of Corrections on March 31, 1986 after a conviction for one count of second-degree murder. He was sentenced to fifteen years to life. His minimum parole eligibility date was February 19, 1995. The record reflects that on September 2, 1985, petitioner and two other members of the Little Watts street gang went to Lennox Park to look for members of a rival gang. They encountered the victim, who was with his girlfriend, and asked where he was from. After a verbal confrontation, petitioner and his crime partners exited their vehicle and began fighting with the victim. Petitioner's crime partners beat him with baseball bats. Then, petitioner pulled out a knife and stabbed the victim several times in the torso. The victim died seven days later from a stab wound to the heart, which had severed his right coronary artery.

The Governor is constitutionally authorized to make "an independent decision" as to parole suitability. (*Rosenkrantz, supra*, 29 Cal.4<sup>th</sup> 616, 670.) Only a "modicum of evidence" is required. (*Id.* at 677.) Here, the Governor reversed the Board of Prison Term's (hereafter "Board") decision to grant petitioner parole because he concluded the gravity of the murder he committed currently outweighs the positive factors supporting his parole suitability.

The Governor can properly rely solely upon the circumstances of the crime in deciding that petitioner is not presently suitable for parole. (*Rosenkrantz, supra*, 29 Cal.4<sup>th</sup> 616, 683; *In re Van Houten* (2004) 116 Cal.App.4<sup>th</sup> 339, 358-359.) The Court finds that there is some evidence to support the Governor's finding that "the offense was carried out in a manner which demonstrates an exceptionally callous disregard for human suffering." (Cal. Code Regs., tit. 15, §2402, subd. (c)(1)(D).) Callous disregard for human suffering is demonstrated when "death resulted from severe trauma inflicted with deadly intensity; e.g., beating, clubbing, stabbing, strangulation, suffocation, burning, multiple wounds inflicted with a weapon not resulting in immediate death or actions calculated to induce terror in the victim." (*In re Scott* (2004) 119 Cal.App.4<sup>th</sup> 871, 891) Here, the victim, who was outnumbered three to one, was beaten or clubbed with baseball bats by

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DEPT 100

Date: JUNE 22, 2007

Honorable: STEVEN R. VAN SICKLEN  
NONEJudge J. PULIDO  
Bailiff NONEDeputy Clerk  
Reporter

(Parties and Counsel checked if present)

BH003908

In re,  
EDWARD PALACIOS,  
Petitioner,  
On Habeas Corpus

Counsel for Petitioner:

Counsel for Respondent:

petitioner's crime partner before he was stabbed multiple times by petitioner. These multiple wounds inflicted with a knife did not cause immediate death. Rather, the victim, whom petitioner left bleeding on the ground, died a week later in the hospital. There is some evidence to support the Governor's conclusion that this murder demonstrated an exceptionally callous disregard for human suffering.

The Court finds that there is some evidence to support the Governor's finding that "the motive for the crime is inexplicable or very trivial in relation to the offense" (Cal. Code Regs., tit. 15, §2402, subd. (c)(1)(E).) "To fit the regulatory description, the motive must be materially less significant (or more "trivial") than those which conventionally drive people to commit the offense in question, and therefore more indicative of a risk of danger to society if the prisoner is released than is ordinarily present." (*Scott, supra*, 119 Cal.App.4<sup>th</sup> 871, at 893). The motive in this case was gang retaliation. The Governor was justified in determining that this motive is materially less significant than those which conventionally drive people to commit murder, indicating that petitioner is more of a risk of danger to society if released.

Accordingly, the petition is denied.

The clerk is directed to give notice to petitioner and the Office of the Attorney General.

The court order is signed and filed this date.

A true copy of this minute order is sent via U.S. Mail to the following parties:

Law Offices of Jeffrey A. Lowe  
Jeffrey A. Lowe, Esq.  
8383 Wilshire Boulevard, Suite 652  
Beverly Hills, California 90211  
Attorney for Petitioner Edward Palacios

Department of Justice  
Office of the Attorney General of the State of  
California  
110 West A Street, Suite 1100  
San Diego, California 92101  
Attn.: Cynthia Lumely

<b>SUPERIOR COURT OF CALIFORNIA</b> <b>COUNTY OF LOS ANGELES</b>		Reserved for Clerk's File Stamp  <b>CONFORMED COPY</b>  JUL 13 2007  LOS ANGELES SUPERIOR COURT <i>Joseph M. Pulido</i> Joseph M. Pulido
COURTHOUSE ADDRESS: Clara Shortridge Foltz Criminal Justice Center 210 West Temple Street Los Angeles, CA 90012		
PLAINTIFF/PETITIONER  EDWARD PALACIOS		
<b>CLERK'S CERTIFICATE OF MAILING</b> CCP, § 1013(a) Cal. Rules of Court, rule 2(a)(1)		CASE NUMBER  BH003908

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served:

- ☐ Order Extending Time  
☐ Order to Show Cause  
☐ Order for Informal Response  
☐ Order for Supplemental Pleading

- ☒ Order re: Writ of Habeas Corpus  
☐ Order  
☐ Order re:  
☐ Copy of Petition for Writ of Habeas Corpus for the Attorney General

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to the cause. I served this document by placing true copies in envelopes addressed as shown below and then by sealing and placing them for collection; stamping or metering with first-class, prepaid postage; and mailing on the date stated below, in the United States mail at Los Angeles County, California, following standard court practices.

July 13, 2007  
DATED AND DEPOSITED

JOHN A. CLARKE, Executive Officer/Clerk

By: *Joseph M. Pulido*, Clerk  
Joseph M. Pulido

Law Offices of Jeffrey A. Lowe  
 Jeffrey A. Lowe, Esq.  
 8383 Wilshire Boulevard, Suite 652  
 Beverly Hills, California 90211  
 Attorney for Petitioner Edward Palacios

Department of Justice  
 Office of the Attorney General of the State of California  
 110 West A Street, Suite 1100  
 San Diego, California 92101  
 Attn: Ms. Cynthia Lumely

EXHIBIT 9

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

In re EDWARD PALACIOS,

On Habeas Corpus.

B201799

(Super. Ct. No. A772728)

**ORDER**

THE COURT:

The court has read and considered the petition for writ of habeas corpus filed September 5, 2007. The petition is summarily denied.

COURT OF APPEAL - SECOND DIST.

**FILED**

SEP 13 2007

JOSEPH A. LANE Clerk

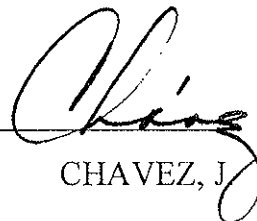
J. GUZMAN Deputy Clerk



BOREN, P. J.



ASHMANN-GERST, J.



CHAVEZ, J.

**E X H I B I T 10**

S160422

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

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In re EDWARD PALACIOS on Habeas Corpus

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The petition for writ of habeas corpus is denied.

SUPREME COURT  
**FILED**

MAR 19 2008

Frederick K. Ohlrich Clerk

\_\_\_\_\_  
Deputy

\_\_\_\_\_  
GEORGE

Chief Justice